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Commonwealth of Massachusetts.

THE

JOURNAL OF THE SENATE,

FOR THE YEAR

1878.

PRINTED BY ORDER OF THE SENATE.

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Aug. 1925

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Commonwealth of Massachusetts.

JOURNAL OF THE SENATE.

At a General Court of the Commonwealth of Massachusetts, begun and holden at Boston on the first Wednesday, being the second day of January, in the year one thousand eight hundred and seventy-eight, and the one hundred and second of the independence of the United States of America, the following-named members-elect of the Senate, having been duly summoned by the Executive, appeared, to wit:

Hon. Messrs.	Henry B. Hill	in the First	*Suffolk Districts.*
	Marcellus Day	Second	
	Michael J. Flatley	Third	
	James White	Fourth	
	Thomas Gogin	Fifth	
	Alvah A. Burrage	Sixth	
	Albert Palmer	Seventh	
and	Joseph S. Ropes	Eighth	
Hon. Messrs.	Amos F. Breed	in the First	*Essex Districts.*
	James J. H. Gregory	Second	
	Allan Rogers	Third	
	George W. Cate	Fourth	
	Jackson B. Swett	Fifth	
and	Byron Truell	Sixth	
Hon. Messrs.	Benjamin F. Hayes	in the First	*Middlesex Districts.*
	Robert R. Bishop	Second	
	Charles Theodore Russell	Third	
	Luther H. Sherman	Fourth	
	Amos J. Saunders	Fifth	
	Abraham B. Coffin	Sixth	
and	James C. Abbott	Seventh	

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Hon. Messrs.	George S. Barton	in the First	*Worcester Districts.*
	William Knowlton	Second	
	Ebenezer B. Lynde	Third	
	Charles Adams, Jr.	Fourth	
and	Charles H. Merriam	Fifth	
Hon. Messrs.	Charles L. Gardner	in the First	*Hampden Districts.*
and	Henry C. Ewing	Second	
Hon. Messrs.	Lewis N. Gilbert	in the Hampshire	*Districts.*
and	Henry Winn	Franklin	
Hon. Messrs.	Frederick P. Brown	in the North	*Berkshire Districts.*
and	Horace J. Canfield	South	
Hon. Messrs.	Henry F. Barker	in the First	*Norfolk Districts.*
and	Frederick D. Ely	Second	
Hon. Messrs.	Joseph S. Beal	in the First	*Plymouth Districts.*
and	Jonathan White	Second	
Hon. Messrs.	Ezra Davol	in the First	*Bristol Districts.*
	Charles J. Holmes	Second	
and	Hosea M. Kimball	Third	
Hon. Mr.	John B. D. Cogswell	in the	*Cape District.*

Quorum.

And were called to order at 11 o'clock A.M. by the Hon. Charles Theodore Russell of the Third Middlesex District, senior member elect.

Whereupon Messrs. Swett, Flatley, and Barton were appointed a committee to wait upon the Governor and Council, and inform them that a quorum of the Senate is assembled and ready to be qualified.

Subsequently, Mr. Swett, from said committee, reported that they had attended to the duty assigned them, and that the Governor was pleased to say that he, with the Lieutenant-Governor and Council, would attend forthwith upon the Senate for the purpose of administering the required oaths of office to the members-elect thereof.

Qualification of Senators.

Soon after, the Governor and Council came in, and the Senators-elect severally took and subscribed the oaths of office required by the Constitution, and a law of the United States, to qualify them for the discharge of their duties as Senators for the current political year.

President.

The Governor and Council thereupon withdrew.

On motion, Messrs. Coffin, White of Suffolk, and Canfield were appointed a committee to collect, assort and count the votes for President of the Senate.

And the votes having been collected, assorted and counted, it appeared that Hon. John B. D. Cogswell of the Cape District was elected, and he being conducted to the chair by Messrs. Adams and Flatley, signified his acceptance of the office and addressed the Senate as follows: —

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"*Senators*, — I should be ungrateful, if I did not acknowledge this unanimous expression of your kind regard. I do not forget that gracious custom of the Senate which ordinarily re-elects its President in his second term; not always, however, with the unanimity attending the present choice. This encourages me to indulge the confidence that you, at least, believe I shall discharge the important duties of this place in no partisan or partial manner. In that spirit I most cordially accept it. I trust, also, that I shall not be thought to exhibit a spirit of vain arrogance, when I say that I hope you will have occasion to believe me honest in purpose, conscientious in directing the capacities of this body so as best to perform the public business, and not myself an obstructor of it by slothfulness or inattention.

All the rest, I may safely leave to your generous indulgence.

In speaking from this place upon a similar occasion last year, I briefly adverted to the place which this body was originally intended to occupy under the Constitution of Massachusetts, as at first planned and adopted. The changes which occurred twenty years since, have not, it is thought, increased the dignity or influence of the Senate.

But it is a matter for great congratulation to observe that, during the last few years, from causes which it is not necessary now to delineate, the representative character of the body seems to be improving, especially as far as the experience of its members is concerned. It is true that only eighteen members of the last Senate re-appear here to-day; but they at least will pardon a glance towards the seat occupied during the last session by a member, then in the flush of vigorous manhood, but who passed away from all life's labors ere the height of midsummer. But of the twenty-two others who appear here to-day in pursuance of the summons of the Secretary of the Commonwealth, one of them returns, after only a temporary absence, to the seat in which he was recently so zealous and efficient in work. Of the remaining number, at least sixteen have been trained in that admirable legislative school, the House of Representatives of Massachusetts. There is not, I believe, one of the whole number who has not been employed in some public capacity, here, or in some other State. And so, taking this body, with its legislative, business and social experience, with the relation of its members to the industrial, commercial, manufacturing, agricultural, professional, and other great interests and occupations of the Commonwealth, with the varied social positions of its members, at an age when they are the most suitable for action, as well as the most capable of reflection and judgment, I think it displays no presumption to declare that it is representative of the people of Massachusetts. If it is not a body fit to legislate for the people of Massachusetts, then the people of Massachusetts are not fit to legislate for themselves.

But, however capable the body may be in its character, it cannot hope to be useful as a Legislature, except it devote itself to its work. I am not of the number of those who consider that the very first element of a Legislature is that it shall exclusively pursue the object of a short session. I think it should pursue the theory of a thorough session, so that it may do its work carefully and completely, postponing nothing to future sessions through inattention, want of study, or haste to adjourn. Well done, is quickly done.

No doubt the feeling of the people, as well as a sense of duty, requires earnest endeavor to have as brief a session as is consistent with the proper consideration of the business before us. I believe that for a number of years there has been no occasion to complain that the

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presiding officers of either branch have been at all remiss in the organization of committees, a most important duty. Committees, when appointed, should also organize with promptness. They must pursue their business with due diligence. They ought not to dally with it. They should not hesitate or delay to grapple with a subject, because it is a difficult one. Their realization of the evils of procrastination, will, I need not say, bring matters speedily to the consideration of the whole body. In the next place, we should do our work promptly here, and in the manner in which a wise man conducts his private business, postponing nothing till to-morrow which can be done to-day. In this body, we ought never to have special assignments; we ought not to permit our calendar to be encumbered by them; we ought here to act as a spur for the transaction of business, rather than a hindrance, to the other branch, where necessarily extended debate must sometimes clog the wheels. The great secret of legislative despatch is labor, under whose magic touch all accumulations of business will dissolve.

Of the matters likely to come before us, probably there will not be so many as in some former sessions. Those of us who happened to be members of the Legislatures of 1870, 1871, 1872, and 1873, a period of inflation and rash speculation, will remember that the spirit of that time occasioned many matters to come before the Legislature which have now disappeared. In the present state of business, when, by slow and painful struggles, as we still hope, we are advancing toward the sure ground of restored prosperity upon the basis of stable and uniform currency, we are not likely to be so much pressed by private bills. Still, the interests of the Commonwealth are varied; applications to the Legislature are necessarily numerous, and that portion of the intellect of the State which especially devotes itself to informing and guiding the legislative mind, is ready to commence its labors. We need not apprehend but we shall have business enough. We shall be called upon again to consider, as our predecessors have done, the position of the Hoosac Tunnel enterprise, in which the Commonwealth has such an immense interest. There are always important questions affecting the railways of the State. The Committee on Towns, the Committee on Roads and Bridges, on Public Charitable Institutions, and other committees I will not now pause to designate, have a prospect of work which will require their best attention and judgment.

The subject of the revision of the system of taxation, is one which, some few years since, was deemed of sufficient importance to be intrusted to an able special commission, the conclusions of which have never been very thoroughly digested by any subsequent Legislature. Unquestionably, there is a very considerable feeling of discontent with several features of our existing system. Undoubtedly, also, there is a state of very gross ignorance upon this subject. And yet it seems imperatively necessary that we should resolutely grapple with it, to the end that if there are any such injustices as are complained of, they may be remedied, or at least some effort made to enlighten and satisfy the intelligence of the people.

There are suggestions that constitutional amendments may be brought before us for consideration, one of them directed specially to the effort of making more brief the legislative session and increasing the term of service of members, the last of which may well deserve our consideration in view of the admitted fact of that evil of our district system, which frequently cuts short with a single session the usefulness of some of our most intelligent legislators. But I will not

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detain you longer with an enumeration of the subjects which are to come before us.

The people of Massachusetts are a conservative people. If they are not afraid of, they do not desire change. In this respect they have imitated their Anglo-Saxon ancestors of England. A learned historian makes an Anglo-Saxon say to a Norwegian visitor, in the days of King Edward the Confessor, just before the Norman Conquest, of the Witenagemote or Assembly of the Wise: "Our legislators think much, speak little, and write less. All the dooms or statutes which have been enacted since the days of King Ethelbert, would not fill forty pages of yonder brass-bound missal. The result is that our common people know the laws and respect them; and what is of much greater importance, they respect the law-makers. Long may they continue to deserve respect."

Another historian has observed of King Alfred the Great, that without doubt he saw that many portions of the laws of the Anglo-Saxons were defective; but the advantage which he discerned was, that it was better to continue a defective law than to destroy the foundation upon which all law depends — respect for established authority. The example of this great and wise English king might well be taken as the guide of the Massachusetts Legislature.

I will not detain you longer, except to remark that whatever we shall do or leave undone here, we cannot hope wholly to satisfy ourselves or the community. We are welcomed here to-day courteously, generously. Yet we can scarcely hope to stay long with tolerance. We shall be subjected — or else the experience of all past Legislatures is at fault — to criticisms, some just and well-founded, others trivial and perhaps absurd, and some which shall seem to us as even unjust. Long before, even with our best diligence, we shall be able to close our tasks, we shall be reminded that it is time for us to depart. Let us then determine that we will retire with self-approval, with a consciousness that we have conscientiously and faithfully applied ourselves with our best energies to the problems which may be presented for our consideration. In this brave and high and cheerful spirit, then, let us commence our work. Assembled as we are upon this beautiful day of midwinter, so much milder and softer than belongs to our New England climate, we may hope that it is auspicious of mild and pleasant days of legislation; and expressing the hope that the close of our labors may be as bright and sunny as their opening, I will not detain you longer, but will receive any motion for business.

Clerk.

On motion of Mr. Hill, Messrs. Hill, Saunders, and Beal were appointed a committee receive, assort, and count the votes for Clerk of the Senate.

And the votes having been collected, assorted and counted, it appeared that Stephen N. Gifford of Duxbury was elected; and he, being present, was qualified by taking the following oaths: —

You, Stephen N. Gifford, Clerk of the Senate, do solemnly swear that you will faithfully and impartially enter all the votes and proceedings of the Senate, and that in all things relating to your office you will act faithfully and impartially, according to your best skill and judgment. So help you God.

And you further swear to support the Constitution of the United States. So help you God.

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Organization of the Senate. On motion, Messrs. Russell, Breed, and Merriam were appointed a committee to wait upon the Governor and Council and inform them of the organization of the Senate.

Ibid. On motion, Messrs. Bishop, Ropes, and Barker were appointed a committee to inform the House of the organization of the Senate.

Arrangement of seats. On motion of Mr. Adams, Messrs. Adams, Holmes, and Ewing were appointed a committee to arrange the seats of members of the Senate.

Organization of the House. A message was received from the House announcing the organization of that branch by the election of Hon. John D. Long as Speaker, and George A. Marden as Clerk.

Sergeant-at Arms. On motion of Mr. Flatley, —

Ordered, That the Senate proceed forthwith to the election of Sergeant-at-Arms: and Messrs. Flatley, Knowlton of Worcester, and Day were appointed a committee to receive, assort and count the votes therefor; and the votes having been collected, assorted and counted, it appeared that Capt. O. F. Mitchell of Bridgewater was elected.

Thereupon, Mr. Brown was appointed a committee to inform the Governor and Council of the election of Mr. Mitchell as Sergeant-at-Arms.

And Mr. White of Suffolk was charged with a similar message to the House of Representatives.

Ibid. A message was received from the House announcing the election on its part of Capt. O. F. Mitchell as Sergeant-at-Arms for the current political year.

Ibid. On motion of Mr. Rogers, —

Ordered, That the Clerks of the two Houses be directed to inform Capt. O. F. Mitchell that he has been duly elected Sergeant-at-Arms of the General Court for the current political year.

Sent down for concurrence.

Came up concurred.

Senate rules and orders. On motion of Mr. Truell, —

Ordered, That the rules and orders of the Senate of last year be observed until otherwise ordered.

Joint rules and orders. On motion of Mr. White of Plymouth, —

Ordered, That the joint rules and orders of last year be observed until otherwise ordered.

Sent down for concurrence.

Came up concurred.

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On motion of Mr. Truell, —

Ordered, That the Clerk be directed to furnish daily newspapers, not exceeding twelve in number, to be kept under his direction, for the use of members in the Senate. Newspapers.

On motion of Mr. Sherman, —

Ordered. (under a suspension of the 40th Rule), That the Senate proceed forthwith to the election of Chaplain of the Senate. Chaplain.

And Messrs. Sherman, Lynde, and Gregory were appointed a committee to receive, assort, and count the votes therefor; and the votes having been collected, assorted, and counted, it appeared that the Rev. Isaac Dunham of Bridgewater was elected.

Thereupon, the Clerk was directed to notify Mr. Dunham of his election.

On motion of Mr. Russell, Messrs. Russell, White of Plymouth, Palmer, Gilbert, and Cate were appointed a committee to prepare rules and orders for the government of the Senate. Senate rules and orders.

On motion of Mr. White of Plymouth, —

Ordered, That a committee, to consist of three on the part of the Senate, with such as the House may join, be appointed to prepare rules and orders for the government of the two branches. Joint rules and orders.

And Messrs. White of Plymouth, Russell, and Palmer, were appointed on the part of the Senate.

Sent down for concurrence.

Came up concurred; and Messrs. Baker of Beverly, Bird of Walpole, Osgood of Salem, C. H. Hill of Boston, Washburn of Worcester, Wade of Newton, Noyes of Boston, and Cushing of Cambridge, are joined.

The Secretary of the Commonwealth came in and laid upon the table the returns of votes for Governor, Lieutenant-Governor, Secretary of the Commonwealth, Treasurer and Receiver-General, Auditor, and Attorney-General. Governor, Lieutenant-Governor, et als.

And the same were referred to a joint special committee, consisting of Messrs. Gardner, Abbott, and Burrage of the Senate, with such as the House may join.

Sent down for concurrence.

Came up concurred; and Messrs. Clark of Springfield, Warren of Boston, Wadsworth of Boston, Cunningham of Somerville, Chapin of Boston, Mellen of Worcester, Newton of Boston, Lovell of Weymouth, and Partridge of Medway, are joined.

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Councillors. The Secretary also laid on the table the returns of votes for Councillors in the several Councillor Districts of the Commonwealth; and the same were referred to a joint special committee, consisting of Messrs. Hayes and Winn of the Senate, with such as the House may join.

Sent down for concurrence.

Came up concurred; and Messrs. Studley of Rockland, Russell of Pittsfield, Bancroft of Boston, Rand of Cambridge, Carll of Lowell, Whitehouse of Boston, Richards of Lynn, Pike of Merrimac, and Turner of Boston, are joined.

Senators. The Secretary also laid upon the table the returns of votes for Senators in the several Senatorial Districts of the Commonwealth; and the same were referred to a special committee, consisting of Messrs. White of Plymouth, Abbott, Knowlton of Bristol, Coffin, and Ewing.

Adjournment. On motion of Mr. Russell, —

Ordered, That when the Senate adjourns, it be to meet to-morrow at eleven o'clock, A.M.

On motion of Mr. Ely, —

Public worship. *Ordered*, That a committee of five on the part of the Senate, with such as the House may join, be appointed to wait upon His Excellency the Governor and Council, and inform them that the members of the two branches are now in readiness to attend public worship; and Messrs. Ely, Barton, Davol, Canfield, and Cate were appointed on the part of the Senate.

Sent down for concurrence.

Came up concurred; and Messrs. Osgood of Salem, Randall of Waltham, Thomas of Brookline, Kimball of Revere, and Walsh of Boston, are joined on the part of the House.

Subsequently, Mr. Ely, from the above-named committee, reported that they had attended to the duty assigned them, and that the Governor was pleased to say that he, with the Council, would join the two branches forthwith in attendance upon public worship.

And thereupon the Senate adjourned.

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THURSDAY, January 3, 1878.

Met according to adjournment.

The journal of yesterday was read.

A communication was received from Rev. Isaac Dunham, signifying his acceptance of the office of Chaplain; and he, being present, offered prayer. Chaplain.

Mr. Gardner, from the joint special committee to whom was referred the returns of votes for Governor, Lieutenant-Governor, and other state officers, submitted a report, as follows: — State officers.

It appears from the returns, that —

For Governor.

ALEXANDER H. RICE of Boston has . .	91,255 votes
WILLIAM GASTON of Boston has . .	73,185 "
ROBERT C. PITMAN of Newton has . .	16,354 "
WENDELL PHILLIPS of Boston has . . .	3,552 "
All others have	108 "

For Lieutenant-Governor.

HORATIO G. KNIGHT of Easthampton has .	95,337 votes
WM. R. PLUNKETT of Pittsfield has . .	72,821 "
ELIJAH A. MORSE of Canton has . .	13,082 "
DYER D. LUM of Northampton has . .	2,661 "
WILLIAM EARLE of Worcester has . .	224 "
All others have	302 "

For Secretary of the Commonwealth.

HENRY B. PEIRCE of Abington has . .	96,340 votes
WESTON HOWLAND of Fairhaven has . .	72,462 "
DAVID B. GURNEY of So. Abington has .	12,246 "
NATHAN CLARK, jun., of Lynn has . .	1,384 "
WALTER S. GOSS of Marlboro' has . .	593 "
All others have	1,503 "

For Treasurer and Receiver-General.

CHARLES ENDICOTT of Canton has . .	97,532 votes
DAVID N. SKILLINGS of Winchester has .	83,456 "
WILBUR F. WHITNEY of Ashburnham has .	1,689 "
JOHN C. MCCREADY of Cambridge has .	858 "
DYER D. LUM of Northampton has . .	345 "
All others have	260 "

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State Officers.

For Auditor of Accounts.

JULIUS L. CLARKE of NEWTON has . .	96,292 votes
JOHN E. FITZGERALD of Boston has . .	72,083 "
JONATHAN H. ORNE of Marblehead has .	12,322 "
H. M. BEARSE of Boston has . . .	1,307 "
NATHANIEL E. CHASE of Boston has . .	1,455 "
ORIN F. GRAY of Hyde Park has . .	316 "
All others have	201 "

For Attorney-General.

CHARLES R. TRAIN of Boston has . .	95,428 votes
CHARLES P. THOMPSON of Gloucester has .	72,961 "
ORIN F. GRAY of Hyde Park has . .	12,462 "
ISRAEL W. ANDREWS of Danvers has .	3,034 "
All others have	235 "

And the following named persons appear by the returns to be duly elected: —

Governor. — ALEXANDER H. RICE of Boston.
Lieutenant-Governor. — HORATIO G. KNIGHT of Easthampton.
Secretary of the Commonwealth. — HENRY B. PEIRCE of Abington.
Treasurer and Receiver-General. — CHARLES ENDICOTT of Canton.
Auditor of Accounts. — JULIUS L. CLARKE of Newton.
Attorney-General. — CHARLES R. TRAIN of Boston.

And the report, being considered under a suspension of the rule, was accepted.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Palmer, —

Governor.

Ordered, That a committee be appointed, to be joined, to inform the Hon. Alexander H. Rice that he has been elected, in the manner prescribed by the Constitution, Governor of the Commonwealth for the current political year, and that the Legislature will be ready to attend upon him in taking and subscribing the oaths required by the Constitution, and a law of the United States, to qualify him for the discharge of the duties of the office, at such hour as may suit his convenience.

Lieutenant-Governor.

Also, to inform the Hon. Horatio G. Knight that he has been duly elected Lieutenant-Governor of the Common-

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wealth for the current political year, and that the Legislature will attend upon him in taking and subscribing the oaths required by the Constitution to qualify him for the discharge of the duties of the office, at such hour as may suit his convenience.

And Messrs. Palmer, Burrage, and Winn were appointed the Committee on the part of the Senate.

Sent down to be joined.

Came up; and Messrs. Wade of Newton, Thurston of Cambridge, Shortle of Provincetown, Barnes of Plymouth, and Wilson of Boston, are joined.

Governor and Lieutenant-Governor.

Subsequently, Mr. Palmer, from the above-named committee, reported that they had attended to the duty assigned them, and that the Governor was pleased to say that he, with the Lieutenant-Governor, would attend upon the Legislature for the purpose of taking and subscribing the oaths of office at 12 o'clock, M., or at any time thereafter.

And the report was accepted.

Sent down for concurrence.

Came up concurred.

Thereupon Mr. Hayes was charged with a message to the House, proposing a convention of the two branches forthwith, for the purpose of administering the oaths of office to the Governor and Lieutenant-Governor elect.

Subsequently, a message was received from the House announcing its concurrence in the above proposition.

And, pursuant to assignment, the two branches met in

Convention,

For the purpose above specified; and Messrs. Russell, Gogin, and Merriam, of the Senate, and Messrs. Wade of Newton, Thurston of Cambridge, Shortle of Provincetown, Barnes of Plymouth, and Lovell of Weymouth, were appointed a committee to wait upon the Governor and Lieutenant-Governor elect, and inform them that the two branches are now in convention for the purpose of administering the oaths of office required by the Constitution and a law of the United States, to qualify them for the discharge of the duties of their respective offices.

Soon after, the Governor and Lieutenant-Governor elect came in, accompanied by the Council, and severally took and subscribed the required oaths of office.

And the Governor thereupon submitted to the two Houses an address upon the general concerns of the Commonwealth.

And the two branches separated.

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Councillors.

Mr. Hayes, from the joint special committee to whom was referred the returns of votes for Councillors in the several Councillor Districts of the Commonwealth, reported that the following-named gentlemen appear by the returns to be elected in their respective districts, to wit: —

District No. 1, JOSEPH K. BAKER of Dennis.
" 2, HARRISON TWEED of Taunton.
" 3, FRANCIS CHILDS of Boston.
" 4, WILLIAM W. TUCKER of Boston.
" 5, HARMON HALL of Saugus.
" 6, JOSEPH A. HARWOOD of Littleton.
" 7, WILLIAM UPHAM of Upton.
" 8, TILLY HAYNES of Springfield.

And the report was accepted, under a suspension of the rule.

Sent down for concurrence.

Came up concurred.

On motion, it was ordered that the Secretary of the Commonwealth give notice to the above-named gentlemen that they have been duly elected Councillors to advise the Governor in the executive part of the government for the current political year.

Sent down for concurrence.

Came up concurred.

Subsequently, a communication was received from the Secretary of the Commonwealth, announcing that a quorum of the Councillors-elect had signified their acceptance of the office, and were ready to be qualified.

And thereupon a message was sent to the House, proposing a convention of the two branches forthwith, for the purpose of administering the oaths of office to such of the Councillors-elect as may have signified their acceptance of the office.

Subsequently, a message was received from the House, announcing its concurrence in the above-named proposition.

And, pursuant to assignment, the two branches met in

Convention,

For the purpose specified; and Messrs. Joseph K. Baker, Harrison Tweed, Francis Childs, William W. Tucker, Harmon Hall, Joseph A. Harwood, William Upham, and Tilly

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Haynes, came in, and severally took and subscribed the required oaths of office.

The two branches separated.

Papers from the House.

Councillors. *Ordered*, In concurrence, that the Secretary of the Commonwealth give notice to the Governor, that Messrs. Joseph K. Baker, Harrison Tweed, Francis Childs, William W. Tucker, Harmon Hall, Joseph A. Harwood, William Upham, and Tilly Haynes have been duly elected and qualified as Councillors to advise him in the executive part of the government for the current political year.

Governor's Address. Also, that Messrs. Coffin, Merriam, and Winn, of the Senate, and Messrs. Baker of Beverly, Bird of Walpole, Osgood of Salem, C. H. Hill of Boston, Washburn of Worcester, Wade of Newton, Noyes of Boston, and Cushing of Cambridge, be a committee to consider and report what disposition shall be made of the several portions of the Governor's address.

On motion of Mr. Swett, —

Ordered, That when the Senate adjourns, it be to meet to-morrow at two o'clock, P.M.

Arrangement of Seats. Mr. Adams, from the special committee to whom was referred the order relative to the subject, reported the following,

Arrangement of Seats.

CHAIR.

Right.	*Left.*
1. CHARLES T. RUSSELL.	1. MICHAEL J. FLATLEY.
2. CHARLES ADAMS, jun.	2. ALBERT PALMER.
3. AMOS J. SAUNDERS.	3. AMOS F. BREED.
4. ABRAHAM B. COFFIN.	4. HENRY B. HILL.
5. BYRON TRUELL.	5. JACKSON B. SWETT.
6. GEORGE S. BARTON.	6. EBENEZER B. LYNDE.
7. JAMES J. H. GREGORY.	7. JAMES WHITE.
8. JONATHAN WHITE.	8. HENRY C. EWING.
9. BENJAMIN F. HAYES.	9. CHARLES J. HOLMES.
10. MARCELLUS DAY.	10. LEWIS N. GILBERT.
11. ALVAH A. BURRAGE.	11. CHARLES H. MERRIAM.
12. WILLIAM KNOWLTON.	12. HORACE J. CANFIELD.
13. CHARLES L. GARDNER.	13. JOSEPH S. ROPES.
14. LUTHER H. SHERMAN.	14. HOSEA M. KNOWLTON.
15. FREDERICK D. ELY.	15. JOSEPH S. BEAL.
16. ROBERT R. BISHOP.	16. FREDERIC P. BROWN.
17. HENRY WINN.	17. HENRY F. BARKER.
18. GEORGE W. CATE.	18. EZRA DAVOL.
19. ALLAN ROGERS.	19. THOMAS GOGIN.
20. JAMES C. ABBOTT.	

And the report was accepted.

Adjourned.

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FRIDAY, January 4, 1878.

Met according to adjournment.

The journal of yesterday was read.

Norwich and Worcester R.R. Co.

A communication was received from the Commissioners of the Norwich and Worcester Railroad Sinking Fund, transmitting their final report; and the same was laid on the table, and ordered to be printed.

Senate rules and orders.

Mr. Russell, from the special committee appointed to prepare rules and orders for the government of the Senate, reported, recommending the adoption of the rules and orders of last year, as printed in the Manual, with the following amendments, to wit: —

In rule 39, strike from the last three lines the following words: "and this rule shall apply as well to measures originating in the House as to those originating in the Senate."

In rule 34, strike out the last sentence thereof, and insert in place thereof the words, "after being placed in the Orders of the Day, matters not giving rise to any motion or debate shall be first disposed of in their order; then matters passed over under the foregoing provision shall be considered in like order, and disposed of; and such as are by vote then passed over shall go to the foot of the list, and shall not be considered till the next day."

Papers from the House.

Governor's address, disposition of.

A report of the joint special committee on the order relative to the disposition of the several portions of the Governor's address was read, and accepted in concurrence; and the recommendations were as follows: —

That so much of said address as relates to Constitutional amendments be referred to a joint special committee, to consist of the committees on the Judiciary of the Senate and House.

So much thereof as relates to valuation and taxation, to a joint special committee, to consist of three on the part of the Senate, and eight on the part of the House.

So much thereof as relates to savings banks, to the committee on Banks and Banking.

So much thereof as relates to insurance, to the committee on Insurance.

So much thereof as relates to inland fisheries, to the committee on the Fisheries.

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So much thereof as relates to schools and school hygiene, to the committee on Education. Governor's Address, Disposition of.

So much thereof as relates to health and drainage, and the supply of pure water, to the committee on Water Supply and Drainage.

So much thereof as relates to the State charities and to the new hospitals, to the committee on Public Charitable Institutions.

So much thereof as relates to the new State Prison and the Reformatory Prison for Women, to the committee on Prisons.

So much thereof as relates to the subject of labor, to a joint special committee, to consist of three on the part of the Senate, and eight on the part of the House.

So much thereof as relates to the State Detective Force, to a joint special committee, to consist of the committees on the Judiciary of the Senate and House.

So much thereof as relates to the public lands, and claims for lands sold by the State, to the committee on Public Lands.

So much thereof as relates to Railroads, to the committee on Railroads.

So much thereof as relates to the Hoosac Tunnel and Troy and Greenfield Railroad, to a joint special committee, to consist of three on the part of the Senate, and eight on the part of the House.

So much thereof as relates to the Militia, to the committee on Military Affairs.

So much thereof as relates to harbors and to the South Boston Flats, to the committee on Harbors.

So much thereof as relates to the Paris Exposition and National Affairs, to the committee on Federal Relations.

Ordered, In concurrence, that a joint special committee, to consist of eight on the part of the House, with such as the Senate may join, be appointed, to whom may be referred petitions and papers concerning the subject of more stringent legislation with regard to the sale of intoxicating liquors. Intoxicating liquors.

Also, that a joint special committee, to consist of eight on the part of the House, with such as the Senate may join, be appointed, to whom may be referred petitions and papers concerning the subject of Woman Suffrage. Woman suffrage.

On motion of Mr. Flatley,—

Ordered, That on Monday next, and until otherwise Adjournment.

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ordered, the hour of meeting of the Senate shall be two o'clock, P.M.

On motion of Mr. Barton, —

Adjournment. *Ordered*, That when the Senate adjourns, it be to meet on Monday next.

Adjourned.

MONDAY, January 7, 1878.

Met according to adjournment.

The journal of Friday was read.

Joint rules and orders. Mr. White, from the joint special committee appointed to prepare rules and orders for the government of the two branches, submitted a report thereon, recommending the adoption of the joint rules and orders of last year, with the following amendments: —

In rule 1, third line from the end, insert after the word "House," "and whose duty it shall be early in each session to examine carefully into all the expenses of the Commonwealth, with a view to such retrenchment as may be found practicable."

In rule 9, strike out the words, "is rejected in the other," and insert in place thereof the words: "shall fail in the other."

In rule 20, third line from the end, strike out the remainder of the rule, to wit: "Such concurrent vote to be had by both Houses before any further action on the matter is taken by either."

And the report was accepted.

Sent down for concurrence.

Came up concurred.

Standing Committees. The President announced the following Standing Committees: —

On the Judiciary. — Messrs. Russell, White of Plymouth, Coffin, Merriam, and Brown.

On Probate and Chancery. — Messrs. White of Plymouth, Gardner, and Abbott.

On the Treasury. — Messrs. Adams, Breed, and Flatley.

On Bills in the Third Reading. — Messrs. Bishop, Knowlton of Bristol, Abbott, Beal, and Cate.

On Engrossed Bills. — Messrs. Gregory, Lynde, and Davol.

On Leave of Absence. — Messrs. Adams, Cate, and Canfield.

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The President also announced the following Joint Standing Committees: — Joint Standing Committees.

On Agriculture. — Messrs. Gregory and Lynde.

Sent down to be joined.

Came up; and Messrs. Baker of Lincoln, Smith of Middlefield, Webster of Boston, Winn of Burlington, and Lewis of Dighton, are joined.

On Banks and Banking. — Messrs. Holmes, Ropes, and Barker.

Sent down to be joined.

Came up; and Messrs. Thomas of Brookline, McPherson of Boston, Hawks of Shelburne, Wilson of Boston, Whitmore of Framingham, Parmenter of Athol, Brigham of Westborough, and Marshall of Everett, are joined.

On Claims. — Messrs. Hill, White of Suffolk, and Canfield.

Sent down to be joined.

Came up; and Messrs. Clark of Springfield, Russell of Pittsfield, Fairbank of Oakham, Partridge of Medway, Swift of Bridgewater, Wilcox of Sandisfield, Stackpole of Boston, and Read of Westford, are joined.

On Education. — Messrs. Saunders, and White of Suffolk.

Sent down to be joined.

Came up; and Messrs. Hale of Cambridge, Brackett of Boston, Peck of Arlington, Everett of Wareham, and Sargent of Grafton, are joined.

On Federal Relations. — Messrs. Palmer and Russell.

Sent down to be joined.

Came up; and Messrs. Goulding of Worcester, Barrett of Ayer, Case of New Bedford, Chamberlain of Sturbridge, and Shea of Boston, are joined.

On the Fisheries. — Messrs. Ewing and Rogers.

Sent down to be joined.

Came up; and Messrs. Andrews of Danvers, Lovell of Barnstable, Wales of Attleborough, Coffin of Salisbury, and Flood of Randolph, are joined.

On Harbors. — Messrs. Hill, Day, and Rogers.

Sent down to be joined.

Came up; and Messrs. Norton of Boston, Shortle of Provincetown, Robinson of Chelsea, Noyes of Boston, Whitehouse of Boston, Pike of Merrimac, Cobb of Kingston, and Howes of Dennis, are joined.

On Insurance. — Messrs. Barton and Gogin.

Sent down to be joined.

Came up; and Messrs. Dunham of Pittsfield, Doane of

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Joint Standing Committees.

Orleans, Smyth of Worcester, Eager of Canton, and Walton of Wakefield, are joined.

On the Library. — Messrs. Gregory and Davol.

Sent down to be joined.

Came up; and Messrs. Paige of Cambridge, Desmond of Boston, Hildreth of Lunenburg, Greene of Belchertown, and Stiles of Montgomery, are joined.

On Manufactures. — Messrs. Gilbert and Gogin.

Sent down to be joined.

Came up; and Messrs. Howe of Marlborough, Stuart of Hyde Park, Hart of Taunton, Perry of Dudley, and Moore of Lowell, are joined.

On Mercantile Affairs. — Messrs. Truell, Knowlton of Worcester, and Sherman.

Sent down to be joined.

Came up; and Messrs. Randall of Waltham, Tilton of Haverill, Lovell of Weymouth, Sanford of Brockton, Johnson of Boston, Keyes of Lowell, Jenkins of Boston, and Davis of Watertown, are joined.

On Military Affairs. — Messrs. Winn, Merriam, and Canfield.

Sent down to be joined.

Came up; and Messrs. Ellis of Melrose, Thurston of Cambridge, Otis of Northampton, Beal of Lawrence. Wright of Holyoke, Ricker of Newburyport, Gilman of Boston, and Davis of Upton, are joined.

On Parishes and Religious Societies. — Messrs. Swett and Sherman.

Sent down to be joined.

Came up; and Messrs. White of Holbrook, Curtis of Colrain, Wilder of Holliston, Burnett of South Hadley, and Wyman of Shrewsbury, are joined.

On Printing. — Messrs. Davol and Cate.

Sent down to be joined.

Came up; and Messrs. Pillsbury of Boston, Putnam of Salem, Rand of Cambridge, Field of Clinton, and Haskell of Gloucester, are joined.

On Prisons. — Messrs. Truell, Flatley, and Knowlton of Worcester.

Sent down to be joined.

Came up; and Messrs. King of Boston, Chase of Salem, Locke of Boston, Emery of Lawrence, Anthony of Adams, Wiggin of Lowell, Byram of Boston, and Hardy of Natick, are joined.

On Public Charitable Institutions. — Messrs. Ely, Burrage, and Gardner.

Sent down to be joined.

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Joint Standing Committees.

Came up; and Messrs. Washburn of Worcester, Prescott of Boston, Bird of Walpole, Bancroft of Boston, Kelley of Cambridge, Macomber of Fall River, Jones of Lynn, and Blanchard of Boston, are joined.

On Public Lands. — Messrs. Sherman and Beal.

Sent down to be joined.

Came up; and Messrs. Wiswell of Boston, Thompson of Woburn, Wade of Newton, Underwood of Hubbardston, and Clough of Tisbury, are joined.

On Railroads. — Messrs. Palmer, Gilbert, and Knowlton of Bristol.

Sent down to be joined.

Came up; and Messrs. Osgood of Salem, Hawkes of Lynn, Chapin of Boston, Wilder of Lowell, Dunham of Pittsfield, Moseley of Boston, Tucker of Boston, and Soule of New Bedford, are joined.

On Roads and Bridges. — Messrs. Swett and Beal.

Sent down to be joined.

Came up; and Messrs. Kimball of Revere, Bartlett of Peabody, Barnes of Plymouth, Doherty of Boston, and Taft of Uxbridge, are joined.

On the State House. — Messrs. Flatley, and Knowlton of Worcester.

Sent down to be joined.

Came up; and Messrs. Nugent of Boston, Oakman of Marshfield, Aldrich of Deerfield, Carroll of Marblehead, and Packard of Brockton, are joined.

On Street Railways. — Messrs. Breed, Hayes, and Gogin.

Sent down to be joined.

Came up; and Messrs. Turner of Boston, Newton of Boston, Marsh of Quincy, Noyes of Georgetown, Glines of Somerville, Jackson of Salem, Morton of Fairhaven, and Murphy of Boston, are joined.

On Towns. — Messrs. Hayes and Adams.

Sent down to be joined.

Came up; and Messrs. Studley of Rockland, Read of Lowell, Nickerson of Somerville, Hutchinson of Chelsea, and Colburn of Leominster, are joined.

On Water Supply and Drainage. — Messrs. Barton, Ropes, and Bishop.

Sent down to be joined.

Came up; and Messrs. Warren of Boston, Carll of Lowell, Cornish of New Bedford, Wadsworth of Boston, Reed of Taunton, Marden of Boston, Hooper of Medford, and Bent of Wayland, are joined.

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Joint Special Committees.

The President also appointed the following Joint Special Committees: —

On the order in relation to the Liquor Law. — Messrs. Merriam, Cate, and Abbott.

Sent down to be joined.

Came up; and Messrs. Baker of Beverly, Andrews of Danvers, Knowlton of Springfield, Fish of Sandwich, Merritt of Scituate, Cowdrey of Stoneham, O'Neil of Boston, and Jager of Boston, are joined.

On the order in relation to Women Suffrage. — Messrs. Bishop, Palmer, and Saunders.

Sent down to be joined.

Came up; and Messrs. Shortle of Provincetown, C. H. Hill of Boston, Jones of Lynn, Warren of Boston, Hastings of Worcester, Richards of Lynn, Kelley of Cambridge, and McGlynn of Fall River, are joined.

On so much of the Governor's Address as relates to Labor. — Messrs. Holmes, Gardner, and Day.

Sent down to be joined.

Came up; and Messrs. Mellen of Worcester, Hayden of Weymouth, Bartholomew of West Springfield, Howe of Holden, Field of Leverett, Coffin of Fall River, Marlor of Lynn, and Lowther of Boston, are joined.

On so much of said address as relates to the Hoosac Tunnel and the Troy and Greenfield Railroad. — Messrs. Winn, Burrage, and Ewing.

Sent down to be joined.

Came up; and Messrs. Noyes of Boston, Baker of Beverly, Norton of Boston, Cook of Milford, Ingalls of Adams, Converse of Malden, Sprague of Fitchburg, and Leighton of Boston, are joined.

On so much thereof as relates to Valuation and Taxation. — Messrs. Coffin, Lynde, and Bishop.

Sent down to be joined.

Came up; and Messrs. Hyde of Boston, H. A. Hill of Boston, Ranlett of Newton, Hastings of Worcester, Mahony of Boston, Richards of Lynn, Noble of Westfield, and Paige of Southbridge, are joined.

On so much thereof as relates to the State Detective Force. — Messrs. Russell, White of Plymouth, Coffin, Merriam, and Brown.

Sent down to be joined.

Came up; and Messrs. C. H. Hill of Boston, Wade of Newton, Pillsbury of Boston, Goulding of Worcester, Walsh of Boston, Knowlton of Springfield, and Jennings of Fall River, are joined.

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On so much thereof as relates to Constitutional Amendments. — Messrs. Russell, White of Plymouth, Coffin, Merriam, and Brown. Joint Special Committees.

Sent down to be joined.

Came up; and Messrs. C. H. Hill of Boston, Wade of Newton, Pillsbury of Boston, Goulding of Worcester, Walsh of Boston, Knowlton of Springfield, and Jennings of Fall River, are joined.

The report of the Commissioners of the Norwich and Worcester Railroad Sinking Fund was taken from the table, and referred to the committee on the Treasury. Norwich and Worcester R.R.

A communication was received from the Commissioners on Contagious Diseases among Cattle, transmitting their annual report; and the same was laid on the table, and ordered to be printed. Contagious Diseases among Cattle.

On motion of Mr. Hill, the order relative to providing for the establishment of some tribunal other than the committee on Claims, to adjust claims against the Commonwealth, was taken from the files of last year, and referred to the committee on the Judiciary. Claims against the Commonwealth.

Mr. Palmer presented a petition of F. W. Clapp, for a recount of the votes cast in the Fourth Middlesex Senatorial District; and the same was referred to the committee having charge of the returns of votes for Senators. F. W. Clapp.

Mr. Day presented a petition of the Mystic River Corporation, for the extension of time within which to complete its improvements. Referred to the committee on Harbors. Mystic River Corporation.

Sent down for concurrence.

Came up concurred.

The report of the special committee on preparing rules and orders for the government of the Senate was taken up; and Mr. Russell proposed certain amendments therein, pending the consideration of which, the further consideration thereof was postponed until to-morrow. Senate rules and orders.

TUESDAY, January 8, 1878.

Met according to adjournment.

The journal of yesterday was read.

On motion of Mr. Gilbert, —

Ordered, That the Clerk prepare, and cause to be printed and bound, five hundred copies of the Journal of the Senate Journal.

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Senate Journal. Senate for the present session, with an index and such notes, references, and other statistical matter as may be necessary; and that one copy be sent to each member of the present Legislature, thirty copies be placed at the disposal of the President and Clerk, six copies be placed in the State Library, ten copies be at the disposal of the Executive department, and each of the lobbies and committee-rooms be suppplied in like manner as they are now supplied with other documents of the Senate and House.

On motion of Mr. Flatley, —

Fitchburg Railroad Company. *Ordered*, That the committee on Railroads be instructed to inquire if any legislation is necessary to facilitate further improvements on its own and leased lands by the Fitchburg Railroad Company.

On motion of Mr. Merriam, —

Intoxicating liquors. *Ordered*, That the joint special committee on the subject of the sale of Intoxicating Liquors consider the expediency of further legislation regulating or restricting the manufacture and sale of such liquors.

On motion of Mr. Adams, —

Commonwealth's securities. *Ordered*, That the committee on Expenditures be directed to examine the securities in the hands of the Treasurer and Receiver-General, and report the condition of the same.

On motion of Mr. Lynde, —

Schools. *Ordered*, That the committee on Taxation consider the expediency of raising the money for the support of public schools by the State rather than by municipal or local tax, so that the children in all parts of the Commonwealth may have equal educational privileges.

Insurance companies. Mr. Barton, on leave, introduced a bill to amend section 1 of chapter 42 of the Acts of the year 1875, relative to insurance companies created by the laws of other States; and the same was read, and referred to the committee on Insurance.

Chelsea. Mr. Hill presented a petition of the mayor of Chelsea, that the city of Chelsea be relieved from maintaining that portion of Chelsea Bridge which is within the limits of the city of Boston.

Referred to the committee on Roads and Bridges.

Severally sent down for concurrence.

Came up concurred.

Lexington. Mr. Russell presented a petition of the selectmen of Lex-

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ington for confirmation of certain proceedings of said town.

Referred to the committee on Judiciary.

Papers from the House.

A Resolve providing for an amendment to the Constitution, forbidding the alienation of the Commonwealth's title to the Hoosac Tunnel, and the Troy and Greenfield Railroad, was referred to the joint special committee on Constitutional Amendments. Hoosac Tunnel.

A petition of Catherine Vail for State aid was referred to the committee on Claims. Catherine Vail.

A petition of the mayor of Boston for an Act authorizing said city to regulate the transportation, sale, and storage of gunpowder and other explosive compounds, was referred to the committee on Manufactures. Boston.

A petition of the city of Newton for authority to divert water-courses for purposes of sewerage and drainage; and a petition of the same for authority to lay and maintain a sewer and drain through territory of the town of Watertown; and a petition of the same for authority to establish grades for drainage and sewerage, were severally referred to the committee on Water Supply and Drainage. Newton. Ibid. Ibid.

Severally in concurrence.

Mr. Adams, from the committee on the Treasury, reported that no legislation is necessary in relation to the report of the Commissioners of the Norwich and Worcester Railroad Sinking Fund; and the report being considered, under a suspension of the rule, was accepted. Norwich & Worcester R.R.

Papers from the House.

The Annual Reports of, Annual Reports.

The Trustees of the Massachusetts School for Idiotic and Feeble-Minded Youth; and of

The Trustees of the Perkins Institution and Massachusetts School for the Blind, were referred to the committee on Public Charitable Institutions.

The annual report of the Librarian of the State Library was referred to the committee on the Library.

The annual report of the registry and registration, and return of births, marriages, and deaths, was referred to the joint special committee on Labor.

Severally in concurrence.

The report of the special committee appointed to pre-

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Rules and orders of the Senate.

pare rules and orders for the government of the Senate was taken up; and the amendments proposed thereto by Mr. Russell were adopted, and the report was thereupon accepted.

Adjourned.

WEDNESDAY, January 9, 1878.

Met according to adjournment.

The journal of yesterday was read.

On motion of Mr. Burrage, —

Street vagrants.

Ordered, That the committee on Public Charitable Institutions consider what legislation, if any, is required to provide for the proper treatment of street beggars, vagrants, or tramps.

On motion of Mr. Gilbert, —

Dog-tax.

Ordered, That the committee on Agriculture consider the expediency of increasing the tax upon dogs.

On motion of Mr. Coffin, —

Taxation.

Ordered, That the joint special committee on Taxation consider what legislation is expedient or necessary for the purpose of promoting just and equal taxation throughout the State.

On motion of Mr. Ewing, —

Private bankers.

Ordered, That the committee on Banks and Banking inquire into the expediency of providing by legislation, that all private bankers doing business within the Commonwealth, and receiving deposits of money or valuables, shall publish quarterly statements, showing in detail all resources and liabilities of such business.

Severally sent down for concurrence.

Came up concurred.

On motion of Mr. Bishop, —

Depositions.

Ordered, That the committee on the Judiciary consider the expediency of amending the laws in regard to the taking of depositions in other states and countries to be used in the courts of this state.

Lancaster Savings Bank.

The President presented the second annual report of the Receivers of the Lancaster Savings Bank; and the same was laid on the table, and ordered to be printed.

Widows.

Mr. Ropes, on leave, introduced a bill for the protection

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of widows; and the same was read, and referred to the committee on Probate and Chancery.

Mr. Truell, on leave, introduced certain Resolutions relating to the "Bland Silver Bill," now before Congress; and the same were read, and referred to the committee on Federal Relations. "Bland Silver Bill."

Sent down for concurrence.

Came up concurred.

Mr. Canfield presented a petition of John B. Hull and others, for legislation respecting tramps. John B. Hull et als.

Referred to the committee on Public Charitable Institutions.

On motion of Mr. White of Plymouth, the bill to change a part of the boundary-line between the towns of Hanover and South Scituate was taken from the files of last year, and referred to the committee on Towns. Hanover and So. Scituate.

On motion of Mr. Flatley, —

Ordered, That the committee on Prisons be authorized to visit said institutions at such times as they may deem expedient. Committee on prisons.

Severally sent down for concurrence.

Came up concurred.

Papers from the House.

A bill relating to the salaries of the Sergeant-at-Arms, and the Clerks of the Senate and House of Representatives, was referred to committee on Expenditures. Salaries of Sergeant-at-arms and clerks.

Ordered, In concurrence, that the committee on Expenditures consider the expediency of paying the doorkeepers and other subordinates of the Sergeant-at-Arms, by the session instead of by the day. Salaries of doorkeepers et als.

Also, that the committee on Agriculture consider the expediency of enacting a law to prevent the spreading of contagious diseases among animals. Animals.

Also, that the committee on Banks and Banking consider the expediency of providing by law that no officer of a savings bank, or other institution for savings, shall be employed in the examination of the titles to any property upon which such bank or institution proposes to take security, nor be in any manner interested in the charges for such examination. Officers of savings banks.

The Resolve providing for an amendment of the Constitution to permit the division of towns into election districts Constitution.

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(from the files of last year), was referred to the joint special committee on Constitutional Amendments in concurrence.

Disabled Soldiers' Employment Bureau.

The annual report of the Disabled Soldiers' Employment Bureau was referred to the committee on Military Affairs.

Reports.

Annual reports of the Trustees of the State Lunatic Hospitals at Northampton, Taunton, and Worcester;

The State Reform School at Westborough; the State Industrial School at Lancaster; and

Ibid.

Annual reports of the Inspectors of the State Workhouse at Bridgewater; the State Primary School at Monson; the State Almshouse at Tewksbury; and

A report of the Special Committee appointed at the last session, on the State Workhouse; and

A final report of the Commissioners for the erection of a new hospital for the insane at Danvers, — were referredto the committee on Public Charitable Institutions.

Ibid.

The annual reports of the Inspectors and Officers of the State Prison; and

The Agent for Discharged Convicts, — were referred to the committee on Prisons.

Land Commissioners.

The annual report of the Land Commissioners was referred to the committee on Public Lands.

Surgeon-General.

The annual report of the Surgeon-General was referred to the committee on Military Affairs.

Severally in concurrence.

John Sheridan.

Elizabeth Tobin.

Petitions of John Sheridan in behalf of Patrick Sheridan, and Elizabeth Tobin, severally for State aid, were referred to the committee on Claims.

M. E. Church of Lancsboro'.

A petition of the Methodist Episcopal Church of Lanesborough, for a share of a certain fund set apart for the maintenance of religious worship in the town; and

So. Malden Congregational Society.

A petition of the South Malden Congregational Society of Everett, for change of name, and for the legalization of certain acts of said society, — were referred to the committee on Parishes and Religious Societies.

Eastern R.R. Company.

A petition of the Eastern Railroad Company in reference to filling vacancies in the board of directors; and

Ibid.

A petition of the same for authority to make, renew, or modify leases, or other running contracts with railroads out of the Commonwealth, — were referred to the committee on Railroads.

Severally in concurrence.

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Mr. White, from the special committee to whom was referred the returns of votes for Senators in the several Senatorial Districts of the Commonwealth, submitted a report thereon, by which it appeared that the following-named gentlemen were elected in their respective districts, to wit:— Senators.

Hon. Messrs.	Henry B. Hill of Boston,	in the First	*Suffolk Districts.*
	Marcellus Day of Boston,	Second	
	Michael J. Flatley of Boston,	Third	
	James White of Boston,	Fourth	
	Thomas Gogin of Boston,	Fifth	
	Alvah A. Burrage of Boston,	Sixth	
	Albert Palmer of Boston,	Seventh	
and	Joseph S. Ropes of Boston,	Eighth	
Hon. Messrs.	Amos F. Breed of Lynn,	in the First	*Essex Districts.*
	James J. H. Gregory of Marblehead,	Second	
	Allan Rogers of Gloucester,	Third	
	George W. Cate of Amesbury,	Fourth	
	Jackson B. Swett of Haverhill,	Fifth	
and	Byron Truell of Lawrence,	Sixth	
Hon. Messrs.	Benjamin F. Hayes of Medford,	in the First	*Middlesex Districts.*
	Robert R. Bishop of Newton,	Second	
	Chas. Theodore Russell of Cambridge,	Third	
	Luther H. Sherman of Wayland,	Fourth	
	Amos J. Saunders of Pepperell,	Fifth	
	Abraham B. Coffin of Winchester,	Sixth	
and	James C. Abbott of Lowell,	Seventh	
Hon. Messrs.	George S. Barton of Worcester,	in the First	*Worcester Districts.*
	William Knowlton of Upton	Second	
	Ebenezer B. Lynde of W. Brookfield,	Third	
	Charles Adams, Jr., of N. Brookfield,	Fourth	
and	Charles H. Merriam of Leominster,	Fifth	
Hon. Messrs.	Charles L. Gardner of Palmer,	in the First	*Hampden Districts.*
and	Henry C. Ewing of Holyoke,	Second	
Hon. Messrs.	Lewis N. Gilbert of Ware,	in the Hampshire Franklin	*Districts.*
and	Henry Winn of Buckland,		
Hon. Messrs.	Fred. P. Brown of Adams,	in the North South	*Berkshire Districts.*
and	Horace J. Canfield of Stockbridge		
Hon. Messrs.	Henry F. Barker of Quincy,	in the First	*Norfolk Districts.*
and	Frederick D. Ely of Dedham,	Second	
Hon. Messrs.	Joseph S. Beal of Kingston,	in the First	*Plymouth Districts.*
and	Jonathan White of Brockton,	Second	
Hon. Messrs.	Ezra Davol of Taunton,	in the First	*Bristol Districts.*
	Charles J. Holmes of Fall River,	Second	
and	Hosea M. Knowlton of New Bedford,	Third	
Hon. Mr.	J. B. D. Cogswell of Yarmouth,	in the Cape District.	

And the report was accepted.

Adjourned.

THURSDAY, January 10, 1878.

Met according to adjournment.

The journal of yesterday was read.

On motion of Mr. Winn,—

Ordered, That the committee on the Hoosac Tunnel and the Troy and Greenfield Railroad consider what legis-

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Troy and Greenfield and other railroad corporations.

lation, if any, is advisable, to establish a freight depot in Greenfield or in Deerfield, for the use of the manager and the corporations operating the Troy and Greenfield Railroad, the Vermont and Massachusetts Railroad, and the Connecticut River Railroad, or any of them.

On motion of Mr. Ely, —

Committee on Public Charitable Institutions.

Ordered, That the committee on Public Charitable Institutions be authorized to visit said institutions at such times as they may deem it expedient.

On motion of Mr. Cate, —

Investments by Savings Banks.

Ordered, That the committee on Banks and Banking consider the expediency of amending section 1 of chapter 175 of the law of 1863, by inserting in the fifth line of said section, before the word "city," the words "towns or."

On motion of Mr. Gilbert, —

Deposits in savings banks.

Ordered, That the committee on Banks and Banking consider the expediency of reducing the State tax upon deposits in savings banks.

On motion of Mr. Davol, —

Trustees of savings banks to be depositors.

Ordered, That the committee on Banks and Banking consider the expediency of reporting a bill requiring trustees of savings banks to be depositors in the institutions of which they are officers.

On motion of Mr. Hill, —

Claims against the Commonwealth.

Ordered, That the Committee on Claims be authorized to request the attendance of the Attorney-General at all hearings upon claims against the Commonwealth, with a view to the protection of the treasury of the State.

Sent down for concurrence.

On motion of Mr. Merriam, —

Interest on bonds of cities and towns held by the State.

Ordered, That the committee on Expenditures consider the expediency of legislation reducing the rate of interest on notes and bonds held by the Commonwealth against cities and towns.

Severally sent down for concurrence.

Came up concurred.

Mr. Palmer offered the following order; which was read, and referred to the committee on Printing: —

Committee lists.

Ordered, That there be printed 1,000 copies of the list of the standing and special committees of the respective branches, and of the joint standing and special committees.

Sent down for concurrence.

Came up concurred.

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Mr. Merriam, on leave, introduced a bill relative to tender and offer of judgment in land-damage cases; and the same was read, and referred to the committee on the Judiciary. Land damages.

Mr. Hill presented a petition of the Cape Cod Ship Canal Company for an extension of charter. Cape Cod Ship Canal Company.

Referred to the committee on Harbors.

Sent down for concurrence.

Came up concurred.

Papers from the House.

Ordered, In concurrence, that the committee on Mercantile Affairs consider the expediency of amending chapter 49 of the General Statutes, relating to the measurement of lumber. Measurement of lumber.

Also, that the Secretary of the Commonwealth be directed to deliver to the Sergeant-at-Arms such number of copies of the public documents under his charge as the members of the Legislature are entitled to receive, under chapter 248 of the Acts of 1877, and that the same be filed for the use of the members. Public documents.

A Resolve providing for an amendment to the Constitution, prohibiting State aid to railroad corporations, was read, and referred to the committee on Railroads. Constitution.

A bill to amend chapter 190 of the Acts of the year 1872, relating to the alewife and other fisheries in the towns of Bridgewater, West Bridgewater, East Bridgewater, and Halifax, was read, and referred to the committee on Fisheries. Alewife fishery.

Severally in concurrence.

The following order was read and amended, by striking therefrom the words, "Water Supply and Drainage," and inserting the words, "joint special committee consisting of the committees on the Judiciary of the Senate and House," and the order, as amended, was adopted in concurrence, with the amendment, which was sent down for concurrence. Boston.

Ordered, That the petition of the city of Boston, for leave to pass ordinances to regulate the practice of medicine and pharmacy in the city of Boston, be taken from the files of last year, and referred to the committee on Water Supply and Drainage.

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Petitions of

C. B. Hill. Clarissa B. Hill; and

Maria G. Dunbar. Maria G. Dunbar, severally for the payment of arrears of State aid; and

Amaziah Mayo et als. A petition of Amaziah Mayo and George F. Baker for the appointment of a tribunal to determine the amount due them as contractors for building the Reformatory Prison for Women, — were severally referred to the committee on Claims.

Tisbury. A petition of the town of Tisbury for an amendment of section 2, chapter 63 of the Acts of 1870, relative to maintaining Lagoon bridge, was referred to the committee on Roads and Bridges.

Severally in concurrence.

Adjourned.

FRIDAY, January 11, 1878.

Met according to adjournment.

The journal of yesterday was read.

On motion of Mr. Gilbert, —

Savings banks. *Ordered*, That the committee on Banks and Banking consider the expediency of increasing the amount which savings banks may invest in personal securities.

On motion of Mr. Lynde, —

Convicts in the State Prison. *Ordered*, That the committee on Prisons consider the expediency of furnishing the convicts in the State Prison with tobacco at the expense of the State.

On motion of Mr. Brown, —

Distribution of public documents. *Ordered*, That the committee on Printing consider the expediency of repealing or amending chapter 248 of the Acts of 1877, concerning the printing and distribution of public and certain other documents.

Severally sent down for concurrence.

Came up concurred.

On motion of Mr. Ely, —

Fees in inquests. *Ordered*, That the committee on the Judiciary inquire what legislation is necessary concerning fees of municipal and district courts or trial justices, in inquests, in cases of death by violence, and fees of officers in such cases.

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Mr. Gilbert, on leave, introduced a bill in relation to the publication of rules to regulate the transportation of explosive compounds; and the same was read, and referred to the committee on Railroads. Transportation of explosive compounds.

Mr. Palmer, on leave, introduced a bill concerning street railway corporations; and the same was read, and referred to the commitee on Street Railways. Street-railway corporations.

Severally sent down for concurrence.

Came up concurred.

Mr. Ropes, on leave, introduced a Resolve concerning the remonetization of silver; and the same was read, and referred to the committee on Federal Relations. Remonetization of Silver.

Sent down for concurrence.

Came up concurred.

Mr. Burrage presented a petition of Albert L. Murdock, for further legislation to make more effectual the ninth section of chapter sixteen of the General Statutes, in relation to the appointment of agents by the Board of Agriculture. Board of Agriculture.

Referred to the committee on Agriculture.

Sent down for concurrence.

Came up concurred.

Papers from the House.

A Resolution relative to the concurrent action by the government of the United States with Great Britain and France, concerning the remonetization of silver, was read, and referred in concurrence to the committee on Federal Relations. Remonetization of silver.

Ordered, In concurrence, that the Insurance Commissioner be requested to make a special report to the Legislature, as promptly as practicable, relative to legislation upon the subject of insurance. Insurance Commissioner.

Also, that the committee on Insurance consider the expediency of amending section 69 of chapter 58 of the General Statutes, so that the bonds required under said section shall be given by the companies instead of the agents. Bonds to be given by insurance companies.

Ordered, In concurrence, that the committee on Printing consider whether retrenchment can be effected in advertising committee hearings. Committee hearings.

Also, that the committee on Taxation consider the expediency of so amending chapter 225 of the Acts of 1873, that delinquent tax-payers may be relieved from paying such excessive interest as they are now required to pay in many of the cities and towns of the Commonwealth. Delinquent tax-payers.

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New State Prison. The fifth annual report of the Commissioners for locating and building a new State Prison was referred to the committee on Prisons.

Briggs Mann et als. A petition of Briggs Mann, and others, that there may be an examination made of the books of the Eastern Railroad Company; also, an investigation into the financial condition of the company, was referred to the committee on Railroads.

C. H. Walker et als. A petition of C. H. Walker and others of Provincetown, for a law regulating the seining of fish in Barnstable Bay was referred to the committee on the Fisheries.

Fitchburg R.R. Company. A petition of the Fitchburg Railroad Company, for further legislation in relation to disposing of its capital stock, was referred to the committee on Railroads.

Severally in concurrence.

Adjournment. On motion, it was ordered, that, when the Senate adjourns, it be to meet on Monday next at two o'clock, P.M.

Adjourned.

MONDAY, January 14, 1878.

Met according to adjournment.

The journal of Friday was read.

Master in Chancery for the county of Essex. Mr. Rogers, on leave, introduced a bill to authorize the appointment of an additional master in chancery for the county of Essex; and the same was read, and referred to the committee on Probate and Chancery.

Committee lists. Mr. Cate, from the committee on Printing, on the order relative to printing 1,000 copies of a list of the several committees appointed at the present session, reported that said order should be adopted; and the report, being considered under a suspension of the rules, was accepted.

Sent down for concurrence.

Came up concurred.

James G. Kidder et als. Mr. Hill presented a petition of James G. Kidder and others, for an Act of incorporation as the Grand Union Wharf and Depot Company in East Boston.

Albert Bowker et als. The same Senator also presented a petition of Albert Bowker and others, for an Act of incorporation as the International Wharf and Dock Company in East Boston.

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Severally referred to the committee on Mercantile Affairs.

Sent down for concurrence.

Came up concurred.

Selectmen of Lexington.

Mr. Russell presented a remonstrance of Amos Locke and others, against the petition of the selectmen of Lexington.

Referred to the committee on Judiciary.

Commissioners on Savings Banks.

On motion of Mr. Adams, the bill to authorize the Commissioners on Savings Banks to attend the meetings of bankrupt Railroad Corporations was taken from the files of last year, and referred to the committee on Banks and Banking.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Russell, —

Attachments of personal property.

Ordered, That the committee on the Judiciary inquire whether legislation is necessary in regard to fees of officers making attachments of personal property.

Papers from the House.

State Prison at Concord.

A communication from the State Board of Health relative to sewerage for the new Prison at Concord was referred to the committee on Water Supply and Drainage,

Constitutional Amendments.

Ordered, In concurrence, that the joint special committee having in charge the subject of Constitutional Amendments, be directed to consider and report upon the expediency of adopting constitutional amendments to limit the length of the sessions of the General Court, and to fix the pay of the members.

General railroad laws.

The following order was read, and referred to the committee on Printing: —

Ordered, That the committee on Railroads cause to be printed 1,200 copies of the general railroad law, and all subsequent Acts relating to railroads, in a form to show what portions of the original Act are amended or repealed, with additional legislation arranged under appropriate heads; and that 600 copies of said laws be placed at the disposal of the Board of Railroad Commissioners.

Savings banks.

Ordered, In concurrence, that the committee on Banks and Banking inquire into the expediency of requiring the trustees of savings banks duly incorporated under the laws of the Commonwealth, to publish semi-annually, in at least one newspaper printed in the county where said

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bank is located, a sworn statement of the assets and liabilities of said bank.

Railroads, — Notice in case of accidents on,

Also, that the committee on Railroads consider the expediency of amending chapter 372 of the Acts of the year 1874, in relation to notice in case of accidents on railroads.

Boston, — practice of medicine in,

The order respecting the reference of the petition of the mayor of the city of Boston, in relation to the practice of medicine and pharmacy in said city, came up nonconcurred in the Senate amendment therein; and the Senate receded therefrom.

Railroads.

A bill concerning free passes over railroads was read, and referred to the committee on Railroads in concurrence.

Massachusetts Institute of Technology.

A memorial of the Massachusetts Institute of Technology, for an appropriation in aid of said Institute, was referred to the committee on Education.

Truro.

A petition of the selectmen of Truro, for the defining of the boundary-line between that town and Provincetown, was referred to the committee on Towns.

Fidelity Assurance Company.

A petition of the Fidelity Assurance Company for amendment of charter, was referred to the committee on Mercantile Affairs.

Larkin West et als.

A petition of Larkin West and others, for the prohibition of trawling in Massachusetts Bay, was referred to the committee on the Fisheries.

Lewis Wharf Company. William S. Whitwell et als.

Petitions of the Lewis Wharf Company and others, and William S. Whitwell and others, severally for amendment of the laws relative to the valuation and taxation of property, were referred to the joint special committee on Taxation.

Severally in concurrence.

Adjourned.

TUESDAY, January 15, 1878.

Met according to adjournment.

The journal of yesterday was read.

Land damage cases.

Mr. Merriam, from the committee on the Judiciary, on the bill relating to tender or offer of judgment in land-damage cases, reported the same in a new draft; and the same was read, and ordered to a second reading.

Transportation of explosive compounds.

Mr. Gilbert, from the committee on Railroads, reported the bill in relation to the publication of rules to regulate

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the transportation of explosive compounds without amendment; and the same was ordered to a second reading.

On motion of Mr. Holmes, —

Savings Bank Commissioners' Report.

Ordered, That the committee on Printing consider the expediency of printing one thousand additional copies of the Savings Bank Commissioners' Report, to be placed at the disposal of the commissioners, — five hundred for gratuitous distribution, and five hundred for half the cost of publication.

Sent down for concurrence.

Came up concurred.

Vine-street Congregational Society.

Mr. Russell presented a petition of the Vine-street Congregational Society, for a change of name.

Referred to the committee on Parishes and Religious Societies.

Sent down for concurrence.

Came up concurred.

F. Hoffman et als.

Mr. Canfield presented a petition of F. Hoffman and others, that railroad corporations shall have at their stations sign-boards, with the name of the station painted thereon.

Referred to the committee on Railroads.

Sent down for concurrence.

Came up concurred.

Board of Supervisors of Statistics.

The President presented the Report of the Board of Supervisors of Statistics, appointed under chapter 60 of the resolves of 1877; and the same was referred to the committee on Education.

Sent down for concurrence.

Came up concurred.

State Directors of the Boston and Albany Railroad Corporation.

The President presented the annual report of the State Directors of the Boston and Albany Railroad Corporation; and the same was laid on the table, and ordered to be printed.

Cattle Commissioners.

The report of the Cattle Commissioners was taken from the table, and referred to the committee on Agriculture.

Lancaster Savings Bank.

The report of the receivers of the Lancaster Savings Bank was taken from the table, and referred to the committee on Banks and Banking.

Severally sent down for concurrence.

Came up concurred.

Papers from the House.

Settlement of paupers.

A bill concerning the settlement of paupers was referred, in concurrence, to the committee on Public Charitable Institutions.

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Railroads.

Ordered, In concurrence, that the committee on Railroads consider the expediency of repealing the laws authorizing cities and towns to aid in the construction of railroads.

Labor, — demand for and supply of.

Also, that the joint special committee on Labor consider the expediency of providing by law that the Bureau of Statistics and Labor shall collect and disseminate information as to the demand for, and the supply of, labor in the various industries of the Commonwealth, for the purpose of assisting unemployed persons to obtain employment.

Somerville.

A petition of the city of Somerville, for authority to appropriate certain land in the town of Waltham for burial purposes, was referred to the committee on Towns.

Boston Asylum and Farm School.

A petition of the Boston Asylum and Farm School, for the regulation of the taking of clams and other shell-fish from the shores of Thompson's Island, was referred to the committee on the Fisheries.

William C. Peabody.

A petition of William C. Peabody of Everett, for State aid, was referred to the committee on Claims.

Massachusetts Temperance Alliance.

A petition of the Massachusetts Temperance Alliance, for a repeal of the present liquor law, and the enactment of a prohibitory law, was referred to the joint special committee on that subject.

Petitions for woman suffrage.

Petitions of
Harriet Stow and others;
Rev. J. F. Lovering and others;
John B. Austin and others;
George Clapp and others;
Agnes P. Fish and others;
Mehitable Haskell and others;
George H. Mellen and others;
Benjamin Pierce and others; and
Mary W. Allen and others, severally that the right of suffrage may be granted to woman, were referred to the joint special committee on that subject.

Severally in concurrence.

Assistant clerk.

A communication was received from the Clerk announcing his appointment of Hilton F. Hosmer as Assistant Clerk of the Senate for the present session; and he, being present, was qualified by taking the following oath: —

You, Hilton F. Hosmer, do solemnly swear that you will faithfully and impartially discharge and perform all the duties incumbent on you as Assistant Clerk of the Senate according to your best skill and judgment. So help you God.

And you further swear to support the Constitution of the United States. So help you God.

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The order of the Senate, relative to the attendance of the Attorney-General at hearings of the committee on Claims, came from the House amended, by striking therefrom the word "instructed," and by adding, at the end of the order, the words "whenever the committee thinks the interests of the Commonwealth require." Attendance of Attorney General at certain committee hearings.

And the amendments were adopted in concurrence.

Adjourned.

WEDNESDAY, January 16, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Swett, on leave, introduced a bill to amend section 2 of chapter 29 of the Acts of the year 1874, relating to street railways; and the same was read, and referred to the committee on Street Railways. Street railways.

Sent down for concurrence.

Came up concurred.

Mr. Day, from the committee on Harbors, on the petition of the Mystic River Corporation, reported a bill in further addition to an Act relating to the Mystic River Corporation; and the same was read, and ordered to a second reading. Mystic River Corporation.

On motion of Mr. Holmes, —

Ordered, That the committee on Banks and Banking consider the expediency of exempting from taxation such portions of deposits in savings banks as may be invested in United States bonds. Deposits in savings banks.

On motion of Mr. Hill, the petition of Amaziah Mayo was taken from the files of last year, and referred to the committee on Claims. Amaziah Mayo.

Mr. Cate presented a petition of Edwin Foss and others, for the enactment of a law giving the complainant a portion of the fines in suits for the violation of the liquor law. Edwin Foss et als.

Referred to the joint special committee having charge of that subject.

Severally sent down for concurrence.

Came up concurred.

Papers from the House.

A bill to amend section 1 of chapter 106 of the Acts of the year 1878, relative to furnishing the pupils in public Public schools.

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schools with stationery, was read, and referred to the committee on Education.

Boston. A bill concerning the school committee of the city of Boston was read, and referred to the committee on Education.

Reports. Reports of the committee on Claims, on the petition of Catherine Vail and Elizabeth Tobin, were severally read, and placed in the orders of the day for to-morrow.

Supplement to the General Statutes. *Ordered*, In concurrence, that the Sergeant-at-Arms procure a sufficient number of the second edition of the Supplement to the General Statutes, for the use of the Legislature and the committees thereof.

Union passenger station at No. Adams. Also, that the committee on the Hoosac Tunnel and the Troy and Greenfield Railroad consider what, if any, further legislation is necessary for the speedy construction of a union passenger station at North Adams.

Commonwealth's flats in Charles River. Also, that the committee on Public Lands inquire whether any, and, if so, what portion of the Commonwealth's flats in Charles River, north of Beacon Street, can properly be filled; what would be the cost of such filling, and what would be the probable value of said flats when filled; and generally, what will be the best method of filling and disposing of said flats for the best interests of the Commonwealth.

Charles H. Walker et als. A petition of Harvey Collins and others, in aid of that of Charles H. Walker and others, was referred to the committee on the Fisheries.

A. S. Haywood et als. A remonstrance of A. S. Haywood and others, against any regulation by law of the practice of medicine and pharmacy, was referred to the committee on Water Supply and Drainage.

K. M. Gilmore et als. A petition of K. M. Gilmore and others, that the Acts of 1876 concerning the militia may be so amended as to authorize an additional company of cavalry, was referred to the committee on Military Affairs.

Medford and Malden. A bill to amend section 1 of chapter 139 of the Acts of the year 1877, concerning the boundary-line between the towns of Medford and Malden; and

W. W. Freeman et als. A petition of W. W. Freeman and others, for a division of the town of Adams; and

Truro. A petition of the selectmen of the town of Provincetown, in aid of that of the selectmen of Truro, — were referred to the committee on Towns.

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A petition of Miss Inez Snow and others for the repeal of so much of the Act of 1874 as relates to the employment of women over eighteen years of age in manufacturing establishments, was referred to the committee on Labor. Inez Snow et als.

A petition of Liverus Hull and others for an Act of incorporation as The Massachusetts Friendly Aid Society, was referred to the committee on Mercantile Affairs. Liverus Hull et als.

Petitions of
W. R. Perkins and others,
H. H. Stearns and others,
J. G. Forman and others, and
William Gilman and others, severally that the right of suffrage may be granted to women, were referred to the joint special committee on that subject. Woman suffrage.

Severally in concurrence.

On motion of Mr. Russell, the hour of twenty minutes after 2 o'clock, P.M., to-morrow, was assigned for the choice of preacher of the next annual election sermon. Preacher of the next Annual Election Sermon.

The annual report of the Commissioner of the Mystic River Corporation was taken from the table, and referred to the committee on Harbors. Mystic River Corporation.

Sent down for concurrence.

Came up concurred.

The orders of the day were taken up, and the bills Bills.
In relation to the publication of rules to regulate the transportation of explosive compounds; and
Relating to tender or offer of judgment in land-damage cases, were severally read a second time, and ordered to a third reading.

Adjourned.

THURSDAY, January 17, 1878.

Met according to adjournment.

The journal of yesterday was read.

On motion of Mr. Saunders, —

Ordered, That the committee on the Judiciary inquire into the expediency of fixing by law the compensation for services of the county commissioners in cases wherein the county is not an interested party. County commissioners.

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Cape Cod Canal.

Mr. Hill, from the committee on Harbors of the last General Court, who were authorized, by an order thereof, to consider the expediency of changing the terminus of the Cape Cod Canal, submitted a report thereon; and the same was laid on the table, and ordered to be printed.

Savings Bank Commissioners.

Mr. Davol, from the committee on Printing, on the order in relation to printing certain extra copies of the report of the Savings Bank Commissioners, reported said order in a new draft, as follows, to wit: —

Ordered, That five hundred extra copies of the Report of the Savings Bank Commissioners be printed for the use of said commissioners.

And the report, being considered under a suspension of the rule, was accepted.

Sent down for concurrence.

Papers from the House.

Insurance by cities and towns.

Ordered, In concurrence, that the committee on Insurance inquire into the expediency of providing by law, that towns and cities in this Commonwealth may insure property within their limits against losses by fire.

Debts of cities and towns.

Also that the committee on Expenditures inquire into the expediency of authorizing cities and towns, which are indebted to the Commonwealth, to discharge such indebtedness before its maturity, and to borrow money, and to issue bonds or other proper securities therefor.

The following order was read, and referred to the committee on Printing: —

Committee lists.

Ordered, That the Clerks of the two branches cause to be prepared a list of committees, in suitable memorandum form, not exceeding five hundred in number, for the use of the members of the Legislature.

Employment of Children.

A bill relating to the employment of children, and regulations respecting their attendance at school, was referred to the committee on Education.

M. A. Darling et als.

A petition of M. A. Darling and others, for an Act for the preservation of a part of Nantasket beach, was referred to the committee on Harbors.

Salem.

A petition of the Mayor of Salem, for authority to take such lands, flats, buildings, etc., as may be desirable in constructing a system of sewerage for said city, was referred to the committee on Water Supply and Drainage.

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A petition of A. C. Fish and others, for an Act to regulate the taking of eels in the Acushnet River and its tributaries, was referred to the committee on the Fisheries. A. C. Fish et als.

Petitions of the selectmen of Marlborough and the Mayor of Haverhill, severally for re-imbursement for money paid for armory rent in 1876, was referred to the committee on Claims. Marlboro' and Haverhill.

A petition of E. A. Dyke and others, in aid of that of W. W. Freeman and others, was referred to the committee on Towns. E. A. Dyke et als.

A memorial of George B. Emerson and others, for an appropriation to furnish the educational works of Horace Mann to school and town libraries, was referred to the committee on Education. Geo. B. Emerson.

A petition of Jonathan Drake and others, and Jonathan Drake et als.
A petition of O. S. Wetherill and others, severally that the right of suffrage may be granted to women, were referred to the joint special committee on that subject. O. S. Wetherill et als.

Severally in concurrence.

Pursuant to assignment, the Senate proceeded to the election of a preacher of the next annual election sermon, and Messrs. Russell, Beal, and Cate were appointed a committee to receive, assort, and count the votes therefor; and the votes having been collected, assorted, and counted, it appeared that Rev. Alexander McKenzie of Cambridge was elected. Preacher of Election Sermon.

And, on motion of Mr. Russell, the Clerk was directed to notify that gentleman of his election.

The annual report of the State Directors of the Boston and Albany Railroad was taken from the table, and referred to the committee on Railroads. State Directors of the Boston and Albany Railroad.

Sent down for concurrence.

Came up concurred.

The orders of the day were taken up; and the bill in further addition to an Act relating to the Mystic River Corporation was read a second time, and ordered to a third reading. Mystic River Corporation.

The reports on the petitions of Elizabeth Tobin and Catherine Vail were severally accepted in concurrence. Reports.

The bill relating to tender or offer of judgment in land-damage cases was read a third time, and passed over. Land-damage cases.

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Explosive compounds.

The Senate bill in relation to the publication of rules to regulate the transportation of explosive compounds was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Adjourned.

FRIDAY, January 18, 1878.

Met according to adjournment.

The journal of yesterday was read.

Hours of labor.

Mr. Brown, on leave, introduced a bill to amend chapter 221 of the Acts of 1874, relative to hours of labor in manufacturing establishments; and the same was read, and referred to the joint special committee on Labor.

Sent down for concurrence.

Came up concurred.

Securities in the hands of the Treasurer.

Mr. Adams, from the committee on Expenditures, on an order in relation to the subject, submitted a report in relation to the securities in the hands of the Treasurer and Receiver-General; the same being that said securities are of the highest character, and that the condition of the treasury is in the highest degree satisfactory.

And the report was accepted, and ordered to be printed.

On motion of Mr. Holmes, —

Savings banks.

Ordered, That the committee on Banks and Banking consider whether the interests of depositors in savings banks will be subserved by legislation in regard to withdrawals from such institutions.

Division of towns into election districts.

Mr. Russell, from the joint special committee on Amendments to the Constitution, to whom was referred the Resolve providing for an amendment to the Constitution to permit the division of towns into election districts, reported asking to be discharged from the further consideration thereof; and the Resolve was read, and ordered to a second reading, and ordered to be printed.

On motion of Mr. Gilbert, —

Hours of labor.

Ordered, That the committee on Labor consider the expediency of amending chapter 221 of the Acts of 1874, relative to the hours of labor in manufacturing establishments.

Sent down for concurrence.

Came up concurred.

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Mr. Palmer presented a petition of Thomas Cahill for compensation for false imprisonment on the charge of having murdered Bridget Landergan. Thomas Cahill.

Referred to the committee on Claims.

Sent down for concurrence.

Came up concurred.

Papers from the House.

Ordered, In concurrence, that the joint special committee on Taxation consider what amendments, if any, are expedient in the provisions of law relative to the collection of taxes. Collection of taxes.

A petition of the city of Newburyport for an Act to supply said city with pure water, was referred to the committee on Water Supply and Drainage. Newburyport.

A petition of J. E. Torrey and others for a modification of the game and trespass laws was referred to the committee on the Fisheries. J. E. Torrey et als.

A petition of Daniel Jenks and others, in aid of that of W. W. Freeman and others, was referred to the committee on Towns. W. W. Freeman et als.

A petition of Lydia C. Hussey and others; and

A petition of Mrs. Lois A. Staples and others, severally that the right of suffrage may be granted to woman, were referred to the joint special committee on that subject. Woman suffrage.

Severally in concurrence.

The orders of the day were taken up; and the Senate bill in further addition to an Act relating to the Mystic River Corporation was read a third time, and passed to be engrossed. Mystic River Corporation.

Sent down for concurrence.

Came up concurred.

The bill relating to tender or offer of judgment in land-damage cases, was further considered; and Mr. Merriam proposing an amendment therein, the same was passed over, and the amendment ordered to be printed. Land-damage cases.

Adjourned.

MONDAY, January 21, 1878.

Met according to adjournment.

The journal of Friday was read.

On motion of Mr. Saunders, —

Ordered, That the report of the Supervisors of Statistics be printed for the use of the Legislature. Supervisors of Statistics.

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Board of State Charities.

A communication was received from the Secretary of the Board of State Charities, transmitting the annual report of said Board; and the same was referred to the committee on Public Charitable Institutions.

Public charities.

A communication was received from the Secretary of the Commonwealth, transmitting the report of the Commission appointed to inquire into the expediency of revising the system of the administration of the public charities; and the same was referred to the committee on Public Charitable Institutions.

State Board of Health.

A communication was received from the Secretary of the State Board of Health, transmitting, in accordance with the Resolve of last year, so much of its report for the present year as relates to the matter of pollution of streams; and the same was referred to the committee on Water Supply and Drainage.

Severally sent down for concurrence.

Came up concurred.

Lime and lime-casks.

On motion of Mr. Flatley, —

Ordered, That the committee on Mercantile Affairs consider the expediency of amending chapter 49, sections 118 to 125, inclusive, of the General Statutes, regulating the inspection and sale of lime and lime-casks.

Railroads — Passage of locomotives over.

On motion of Mr. Barton, —

Ordered, That the committee on Railroads inquire into the expediency of prohibiting by law, the running of two locomotives in close connection with each other over bridges of steam railroads within the Commonwealth.

Severally sent down for concurrence.

Came up concurred.

Maria J. Knight.

Mr. Cate presented a petition of Maria J. Knight for State aid.

Referred to the committee on Claims.

Sent down for concurrence.

Came up concurred.

United Presbyterian Church of N. A.

Mr. White of Suffolk presented a petition of the Trustees of the United Presbyterian Church of North America for authority to hold real estate in Massachusetts.

Referred to the committee on the Judiciary.

Papers from the House.

Bills.

Bills,

Making appropriations for the compensation and travel of the members of the Legislature, for the compensation of officers thereof, and for other purposes; and

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Making appropriations for the maintenance of the government for the present year, were severally read, and referred to the committee on the Treasury.

A bill in addition to an Act entitled "An Act for the relief of the Eastern Railroad Company, and the securing of its debts and liabilities" (on the petition of said company), was read, and ordered to a second reading. Eastern R.R. Co.

Ordered, In concurrence, that the committee on Taxation consider the expediency of exempting from taxation a part of the real estate of persons over eighty years of age who own no personal property. Taxation.

Also that the joint committee on Public Lands be authorized and instructed to procure and report for the use of the Legislature copies of all the contracts between the Commonwealth and the Boston and Albany Railroad, the city of Boston, or any other parties, in relation to the sale, purchase, or filling of the South Boston flats, and of all correspondence connected therewith or relating thereto. South Boston flats.

The following order was read and referred to the committee on Printing, in concurrence: — Commissioners on Inland Fisheries.

Ordered, That five hundred extra copies of the Annual Report of the Commissioners on Inland Fisheries for the year 1877 be printed, to be distributed under the direction of said Commissioners.

A report of the joint special committee, appointed under an order of the last Legislature, to inquire into the management and discipline of the State Workhouse at Bridgewater, was referred to the committee on Public Charitable Institutions. State Workhouse at Bridgewater.

A report of the joint special committee appointed by the last Legislature, relating to the securities of the Commonwealth in the New York and New England Railroad, was referred to the committee on Railroads. N. Y. and N. E. R.R.

Severally in concurrence.

Ordered, In concurrence, that the committee on the Fisheries consider the expediency of amending section 3, chapter 144, of the Acts of 1874, relative to fishing in the Connecticut and Merrimac rivers, by striking out the word "four," and inserting in lieu thereof, the word "two." Connecticut and Merrimac Rivers.

A petition of the Boston and Poughkeepsie Railroad Company, for a loan of the credit of the State, to aid in the construction of said railroad, was referred to the committee on Railroads. Boston and Poughkeepsie R.R. Co.

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Abby A. Dike. A petition of Abby A. Dike of Stoneham for State aid; and

Wakefield. A petition of the selectmen of the town of Wakefield, for re-imbursement of money paid as armory rent in the years 1875 and 1876, were referred to the committee on Claims.

Woman's Christian Temperance Union. A petition of the Woman's Christian Temperance Union, for the repeal of the present law concerning the sale of intoxicating liquors, and for the enactment of a prohibitory law, was referred to the committee on the Liquor Law.

E. Drew et als. A petition of E. Drew and others, for the annexation of a part of the town of Stoughton to the town of Randolph, was referred to the committee on Towns.

Abington. A petition of the selectmen of Abington, for further legislation in relation to tramps; and

Mass. Charitable Eye and Ear Infirmary. A petition of the Massachusetts Charitable Eye and Ear Infirmary for a grant in aid of the same, were referred to the committee on Public Charitable Institutions.

Henry I. Bowditch et als. A petition of Henry I. Bowditch and others, that school committees may have authority to appoint medical officers, was referred to the committee on Education.

Woman suffrage. Petitions of

L. T. Cheever and others,

C. W. Bidwell and others, and

M. B. Huckins and others, severally that the right of suffrage may be granted to women, were referred to the joint special committee on that subject.

Severally in concurrence.

Constitution. The orders of the day were taken up; and the resolve providing for an amendment of the Constitution, to permit the division of towns into election districts, was read a second time, and ordered to a third reading.

Land-damage cases. The bill relating to tender or offer of judgment in land-damage cases was further considered.

Mr. Merriam proposed a further amendment thereto; and the subject was passed over, and the amendment ordered to be printed.

Cape Cod Canal. The report of the committee on Harbors of last year, in relation to the terminus of the Cape Cod Canal, was taken from the table, and referred to the committee on Harbors.

Sent down for concurrence.

Came up concurred.

Adjourned.

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TUESDAY, January 22, 1878.

Met according to adjournment.

The journal of yesterday was read.

Bills.

Mr. Adams, from the committee on the Treasury, reported the bills,

Making appropriations for the compensation and travel of the members of the Legislature, for the compensation of officers thereof, and for other purposes; and

Making appropriations for the maintenance of the government for the present year, severally, without amendment; and the same were ordered to a third reading.

Savings banks.

Mr. Holmes, from the committee on Banks and Banking, on the order in relation to increasing the investments by savings banks in personal securities, reported

A bill in addition to an Act in relation to savings banks and institutions for savings; and the same was read, and ordered to a second reading.

Lancaster Savings Bank.

Mr. Ropes, from the committee on Banks and Banking, on the report of the Receivers of the Lancaster Savings Bank, reported that no legislation is necessary thereon; and the report was read, and placed in the orders of the day for to-morrow.

Connecticut river, Shad fisheries in.

Mr. Ewing, from the committee on the Fisheries, on so much of the Governor's address as relates to inland fisheries, reported

A Resolve concerning the exhaustion of the shad fisheries in the Connecticut River; and the same was read, and ordered to a second reading.

Commissioners on Prisons.

A communication was received from the Secretary of the Board of Commissioners on Prisons, transmitting the annual report of said Board; and the same was referred to the committee on Prisons.

Sent down for concurrence.

Came up concurred.

Dogs.

On motion of Mr. Gilbert, —

Ordered, That the committee on Agriculture consider the expediency of amending chapter 130 of the Acts of 1867, so as to secure the more thorough enforcement of the law relative to the licensing of dogs.

Railroad corporations.

On motion of Mr. Palmer, —

Ordered, That the committee on Railroads consider the expediency of repealing or amending section 46 of chapter

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372 of the laws of 1874, relating to the increase of the capital stock of railroad corporations, and the manner of disposing of new stock.

On motion of Mr. Hill, —

Amaziah Mayo. *Ordered*, That the committee on Claims be authorized to employ a stenographer in the case of Amaziah Mayo, for claims against the Commonwealth, for building the Reformatory Prison for Women at Sherborn.

Severally sent down for concurrence.

Came up concurred.

On motion of Mr. Brown, —

Venue of actions at law. *Ordered*, That the committee on the Judiciary consider whether any further legislation is expedient relative to the venue of actions and suits, when either of the parties resides out of the Commonwealth.

On motion of Mr. Russell, —

State Constabulary and Detective Force. *Ordered*, That the Auditor of the Commonwealth be requested to communicate to the Senate the expense of the State Constabulary and the State Detective Force for each year since their establishment.

On motion of the same Senator, —

Boards, commissioners, &c. *Ordered*, That the Auditor be requested to furnish to the Senate a statement of all sums paid in the last ten years to or for the various boards of commissioners, whether permanent, special, or temporary, and all single commissioners; also all sums paid for printing the reports of such boards or commissioners within the same period.

Law library of Franklin County. Mr. Winn, on leave, introduced a bill to provide moneys for the law library of Franklin County; and the same was read, and referred to the committee on the Judiciary.

William Taylor et als. Mr. Canfield presented a petition of William Taylor and others of Lee, for an Act of incorporation as a water company.

Referred to the committee on Water Supply and Drainage.

Sent down for concurrence.

Came up concurred.

Papers from the House.

Appropriations. A bill in addition to "an Act making appropriations for the maintenance of the government during the present year," was read, and referred to the committee on the Treasury.

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A bill in addition to an Act to provide for the management of the Hoosac Tunnel and Troy and Greenfield Railroad, and for other purposes, was read, and referred to the committee on that subject, in concurrence. Hoosac Tunnel and Troy and Greenfield R.R.

Ordered, In concurrence, that the committee on Banks and Banking inquire if any and what legislation is necessary to further protect depositors in savings banks. Savings banks.

Also, that the committee on Water Supply and Drainage consider the expediency of electing boards of health, by written ballot, in all towns where there is an established board. Boards of health.

Petitions of
The mayor of Fitchburg,
The selectmen of Medford,
The selectmen of Beverly, and
The selectmen of Plymouth, severally for the re-imbursement of money paid as armory rent, were severally referred to the committee on Claims. Petitions for armory rent.

A memorial of the Trustees of the Worcester County Free Institute of Industrial Science, for a grant in aid of said institution, was referred to the committee on Education. Worcester County Free institute of industrial science.

A petition of W. A. Simmons and others, for an amendment of the laws in relation to the militia, so as to provide for one additional company of cavalry, was referred to the committee on Military Affairs. W. A. Simmons et als.

Petitions of
John G. Blake and others,
F. W. Draper and others,
Arthur H. Nichols and others, and
F. I. Knight and others, severally, that school committees may appoint medical officers, were severally referred to the committee on Education. Medical officers in schools.

A petition of the mayor of New Bedford, for authority to take water for the use of said city from certain ponds, was referred to the committee on Water Supply and Drainage. New Bedford.

Remonstrances of
James F. Marston and others,
Wheelock & Tuttle and others,
E. D. Leighton and others, and
Charles R. Nelson and others, severally against a change in the laws respecting the measurement of lumber, were referred to the committee on Mercantile Affairs. Measurement of lumber.

Severally in concurrence.

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Eastern R.R. Co. The orders of the day were taken up; and the bill in addition to an Act entitled an "Act for the relief of the Eastern Railroad Company, and the securing of its debts and liabilities," was read a second time, and ordered to a third reading.

Constitution. The Resolve providing for an amendment to the Constitution, to permit the division of towns into election districts, was read a third time; and the question being stated on agreeing to the same, it was taken by yeas and nays as follows, to wit:—

YEAS.—Messrs.	Adams,	Barker,	Beal,
	Bishop,	Breed,	Brown,
	Burrage,	Cate,	Coffin,
	Davol,	Day,	Flatley,
	Gardner,	Gogin,	Gregory,
	Hayes,	Hill,	Holmes,
	Knowlton, H. M.,	Knowlton, Wm.,	Palmer,
	Rogers,	Saunders,	Sherman,
	Swett,	White, James,	Winn.—27.
NAYS.—Messrs.	Abbott,	Canfield,	Lynde,
	Merriam,	Ewing,	Truell.—6.

So the Resolve and article of amendment were agreed to.
Sent down for concurrence.

Land-damage cases. The bill relating to tender or offer of judgment in land-damage cases, was recommitted to the committee on the Judiciary.

Adjourned.

WEDNESDAY, January 23, 1878.

Met according to adjournment.

The journal of yesterday was read.

Woman's Christian Temperance Union. Mr. Merriam presented a memorial of the Woman's State Christian Temperance Union, in favor of the repeal of the license law and the enactment of a prohibitory law; and the same was laid on the table, and ordered to be printed.

Papers from the House.

Manufacturing establishments. A bill for the better protection of women and children employed in manufacturing establishments was referred to the committee on Labor.

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A bill to amend an Act concerning dogs, and for the protection of sheep and other domestic animals, was referred to the committee on Agriculture. Dogs.

Severally in concurrence.

Ordered, In concurrence, that the committee on Labor consider whether any legislation is expedient to prevent the labor of prison convicts from coming in competition with that of the honest laborers of the State. Convict labor.

The report of the committee on Printing, on the order relative to printing certain extra copies of the report of the Savings Bank Commissioners, came up non-concurred in the acceptance thereof; and the committee is discharged from the further consideration of the order, and the same is referred to the committee on Banks and Banking. Savings Bank Commissioners.

And the Senate concurred in the action of the House in relation thereto.

A report of the same committee, on the order relative to printing certain copies of the general railroad law, was referred, in concurrence, to the committee on Railroads. Railroad laws.

A report of the committee on Claims, granting leave to withdraw, on the petition of W. C. Peabody, was read, and placed in the orders of the day for to-morrow. W. C. Peabody.

The annual report of the Chief of the State Detective Force was referred to the joint special committee on the State Detective Force. State Detective Force.

The annual report of the Commissioners of Inland Fisheries was referred to the committee on the Fisheries. Inland fisheries.

A remonstrance of A. S. Hayward and others, against any legislation regulating the practice of medicine, was referred to the committee on Water Supply and Drainage. Practice of medicine.

A petition of the mayor of the city of Gloucester, for re-imbursement of money paid as armory rent, was referred to the committee on Claims. Gloucester.

Remonstrances of Measurement of lumber.

William L. Lockland and others; and

Thomas Keyes and others, severally against a change of the laws relative to the measurement of lumber, were referred to the committee on Mercantile Affairs.

Petitions of

J. H. Riggs and others, and

Anna J. Hutchinson and others, severally that the right of suffrage may be granted to woman, were referred to the committee on that subject. Woman suffrage.

Severally in concurrence.

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Savings banks. The orders of the day were taken up; and the bill in addition to an Act in relation to savings banks and institutions for savings was recommitted to the committee on Banks and Banking.

Shad fisheries in Connecticut River. The Resolve concerning the exhaustion of the shad fisheries in the Connecticut River was read a second time, and passed.

Sent down for concurrence.

Came up concurred.

Appropriations. The bills making appropriations for the compensation and travel of the members of the Legislature, for the compensation of officers thereof, and for other purposes;

Making appropriations for the maintenance of the government for thepresent year, — were severally read a second time, and ordered to a third reading.

Lancaster Savings Bank. The report on the report of the Receivers of the Lancaster Savings Bank was accepted.

Sent down for concurrence.

Came up concurred.

Eastern R.R. Co. The bill in addition to an Act entitled "An Act for the relief of the Eastern Railroad Company, and the securing of its debts and liabilities," was read a third time, and passed to be engrossed, in concurrence.

Adjourned.

THURSDAY, January 24, 1878.

Met according to adjournment.

The journal of yesterday was read.

On motion of Mr. Truell, —

Fire-escapes. *Ordered*, That the committee on Labor consider the expediency of further legislation relating to fire-escapes on public buildings and manufacturing establishments, and inquire whether or not the best, safest, and most economical system of fire-escapes has been adopted, in compliance with the provisions of chapter 214 of the Acts of 1877.

On motion of the same Senator, —

Removal of state prisoners. *Ordered*, That the committee on Prisons consider the expediency of further legislation preparatory to the removal of the prisoners from the State prison at Charlestown to the new prison at Concord.

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On motion of Mr. Ewing, —

State directors of the Boston & Albany R.R.

Ordered, That the committee on Railroads consider whether any legislation is necessary to enable the State Directors of the Boston and Albany Railroad Company to obtain more detailed information in regard to the financial concerns of that company.

Courts, Cases dismissed by, &c.

On motion of Mr. White of Plymouth, the bill extending the time of petition, in cases dismissed by the courts for want of jurisdiction, was taken from the files of last year, and referred to the committee on the Judiciary.

Papers from the House.

Lobsters.

A bill to further amend chapter 110 of the Acts of the year 1874, relative to the preservation of lobsters, was read, and referred to the committee on the Fisheries.

Taxation.

A bill exempting money loaned upon mortgage from taxation in certain cases, and relating to the taxation of savings banks and co-operative saving fund and loan associations, was referred to the committee on Taxation.

Severally in concurrence.

Resolution of thanks to Senators Dawes and Hoar.

A Resolution of thanks to Senators Dawes and Hoar, for their defence of the good name of Massachusetts against the attacks of Senator James G. Blaine, came from the House referred to the committee on Federal Relations; and the Senate non-concurred in the reference, and the Resolution was returned to the House.

Apothecaries' licenses.

Ordered, In concurrence, that the committee on the Liquor Law consider the expediency of so amending chapter 99 of the Acts of 1875, as to provide that apothecaries may be licensed to sell intoxicating or spirituous liquors for mechanical and medicinal purposes only.

Tremont Temple.

Also that the joint special committee on Taxation consider and report under what statutes, and for what reason, the building called Tremont Temple, in Boston, is exempted from taxation, and also on the expediency of its continuing so exempt.

Constitution.

Also that the joint special committee on Constitutional Amendments consider the expediency of such legislation as may be required, looking to a constitutional amendment, under the provisions of which the annual sessions of the Legislature shall be limited to one hundred days, and the pay of the members to five dollars per day; and that, in case of a special session, a similar rate of compensation shall apply: also incorporating into said proposed amend-

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ment a provision, that if the Legislature, in any year, continues in session for a longer time than one hundred days, the members shall remain at their own expense.

Street railways. Also that the committee on Street Railways consider the expediency of requiring the several street railroads located in whole or in part in the city of Boston, to accept any ticket good for a six-cent fare, entitling any person to a passage on any street-car within the limits of said city, as full payment for a passage upon any one of the several roads within said limits; and that such railways shall redeem their own tickets, at the rate of five cents each in cash, when duly presented by the authorized agent of any such railroad, the same having been taken in payment of fares.

Petitions of,

Mary A. Griffin. Mrs. Mary A. Griffin, and

Mrs. Eliza C. Capen. Mrs. Eliza C. Capen, severally, for State aid; and

Polly Crowd. Sally Burr. A petition of Polly Crowd and Sally Burr, Punkapoag Indians, for a renewal and continuance of annuity heretofore granted to them, were referred to the committee on Claims.

Hours of labor. A remonstrance of John Daily and others, against any change in the present law regulating the hours of labor, was referred to the joint special committee on Labor.

Sumner Swazey et als. A petition of Sumner Swazey and others, for a modification of the laws in relation to the taking of fish in the Merrimack River, was referred to the committee on the Fisheries.

Wayland. A petition of the town of Wayland, for authority to supply itself with pure water, was referred to the committee on Water Supply and Drainage.

Lumber. A remonstrance of J. S. Bachelder and others, against the proposed changes in the laws respecting the measurement of lumber, was referred to the committee on Mercantile Affairs.

Woman suffrage. Petitions of

Mrs. J. O. Richardson and others,

Rev. N. H. Martin and others,

John T. White and others,

Rev. Q. H. Shinn and others,

Sarah E. S. Robbins and others, and

Robert H. Wallcut and others, severally that the right of suffrage may be granted woman, were referred to the joint special committee on that subject.

Severally in concurrence.

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The orders of the day were taken up, and the report on the petition of William C. Peabody was accepted in concurrence. William C. Peabody.

The House bills, Bills.

Making appropriations for the compensation and travel of the members of the Legislature, for the compensation of officers thereof, and for other purposes; and

Making appropriations for the maintenance of the government for the present year, were severally read a third time, and passed to be engrossed in concurrence.

Adjourned.

FRIDAY, January 25, 1878.

Met according to adjournment.

The journal of yesterday was read.

On motion of Mr. Ropes, —

Ordered, That the committee on the Judiciary consider the expediency of amending the Acts relating to public warehouses, so as better to adapt the same to the present needs of business. Public warehouses.

Mr. Adams, from the committee on the Treasury, reported the House bill in addition to an Act making appropriations for the maintenance of the government during the present year without amendment; and the same was ordered to a second reading. Appropriations.

Mr. Breed, from the committee on Street Railways, to whom was referred the bill concerning street railway corporations, reported that the same ought not to pass; and the bill was placed in the orders of the day for to-morrow on the question of rejection. Street railway corporations.

Mr. Gregory, from the committee on Agriculture, on the annual report of the Commissioners on Contagious Diseases among Cattle, reported a Resolve in favor of said commissioners; and the same was read, and referred to the committee on the Treasury. Contagious diseases among cattle.

Mr. White, from the committee on Claims, on the petition of Amaziah Mayo for re-imbursement of damages resulting from obstructing the sidewalks while building the State Normal School boarding-house at Westfield, reported that the petitioner have leave to withdraw; and the report was read, and placed in the orders of the day for to-morrow. Amaziah Mayo.

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Medicine and surgery. Mr. Ewing, on leave, introduced a bill to regulate the practice of medicine and surgery in the State of Massachusetts; and the same was read, and referred to the committee on Water Supply and Drainage.

Sent down for concurrence.

Came up concurred.

Corporations. Mr. Russell, on leave, introduced a bill to extend the Act concerning manufacturing and other corporations to telegraph companies; and the same was read, and referred to the committee on the Judiciary.

Woman's State Christian Temperance Union. The memorial of the Woman's State Christian Temperance Union was taken from the table, and referred to the joint special committee on the Liquor Law.

Sent down for concurrence.

Came up concurred.

Papers from the House.

State or sectional animosity. A resolution concerning the revival of State or sectional animosity came up; and the same was read, and the question then being on concurring with the House in the reference thereof to the committee on Federal Relations, the vote was taken, and it was carried in the negative. So the Senate refused to concur, and the resolution was returned to the House.

Cape Cod Canal. *Ordered*, In concurrence, that the committee on Harbors consider whether or not it is expedient to construct the Cape Cod Ship Canal under the supervision and control of the Commonwealth.

State paupers. A bill to provide for the support of State Paupers was referred, in concurrence, to the committee on Public Charitable Institutions.

Adelaide E. Palmer. A petition of Adelaide E. Palmer for State aid was referred to the committee on Claims.

John M. Kinney et als. A petition of John M. Kinney and others for further legislation for the protection of the oyster-fisheries was referred to the committee on the Fisheries.

T. Kirby et als. Also, a petition of T. Kirby and others for legislation to regulate the taking of eels in Acushnet River and its tributaries.

Hours of labor. A remonstrance of Lemuel Rich and others against any change in the law regulating the hours of labor was referred to the joint special committee on that subject.

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A petition of John G. B. Adams and others, that the right of suffrage may be granted to woman, was referred to the joint special committee on that subject. Woman suffrage.

Severally in concurrence.

A communication was received from the Auditor, transmitting a statement, in compliance with an order of the Senate, of the expenses of the State Constabulary and State Detective Force since their establishment. Expenses of the State Constabulary and State Detective Force.

Laid on the table, and ordered to be printed.

Adjourned.

MONDAY, January 28, 1878.

Met according to adjournment.

The journal of Friday was read.

Mr. Ropes presented a petition of Sarah L. Russell and others, that women paying taxes on property may be allowed to vote in town and city elections. Sarah L. Russell et als.

Referred to the joint special committee on Woman Suffrage.

Sent down for concurrence.

Came up concurred.

Mr. Merriam, on leave, introduced a bill relating to the apportionment of sewer and sidewalk assessments; and the same was read, and referred to the committee on the Judiciary. Sewer and sidewalk assessments.

On motion of Mr. Breed, the bill concerning street railway corporations was discharged from the orders of the day, and laid on the table. Street railway corporations.

Papers from the House.

A list of names of cities and towns indebted to the Commonwealth, the amount, description, and maturity of the indebtedness, together with the rate or rates of interest thereon, was referred, in concurrence, to the committee on Expenditures. Cities and towns indebted to the Commonwealth.

A petition of Bridget Murphy (and Alexander Murphy and others in aid of the same) was referred to the committee on Claims. Bridget Murphy.

A petition of Rev. S. L. Beal and others, that the right of suffrage may be granted to woman, was referred to the joint special committee on that subject. Woman suffrage.

Severally in concurrence.

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Instruction on temperance and health.

Ordered, In concurrence, that the committee on Education inquire into the advisability of the State employing two or more suitable persons to visit the high and grammar schools periodically, for the purpose of giving instruction upon the subjects of temperance and health.

Appropriations.

The orders of the day were taken up; and the bill in addition to an Act making appropriations for the maintenance of the government during the present year was read a second time, and ordered to a third reading.

Amaziah Mayo.

The report on the petition of Amaziah Mayo, for re-imbursement for the payment of damages resulting from obstructing the sidewalk while building the State Normal School Boarding-house at Westfield, was accepted.

Sent down for concurrence.

Came up concurred.

Adjourned.

TUESDAY, January 29, 1878.

Met according to adjournment.

The journal of yesterday was read.

Report of the Savings Bank Commissioners.

Mr. Holmes, from the committee on Banks and Banking, to whom was referred the report of the committee on Printing, on the order relative to printing certain extra copies of the report of the Savings Bank Commissioners, reported

A bill to provide for the printing of certain extra copies of the Savings Bank Commissioners' Report; and the same was read, and ordered to a second reading.

Commissioners on Contagious Diseases among Cattle.

Mr. Adams, from the committee on the Treasury, reported the

Resolve in favor of the Commissioners on Contagious Diseases among Cattle, without amendment; and the same was ordered to a second reading.

Commissioners on Savings Banks.

Mr. Ropes, from the committee on Banks and Banking, on the bill to authorize the Commissioners of Savings Banks to attend the meetings of bankrupt railroad corporations, reported that the same ought not to pass; and the bill was placed in the orders of the day for to-morrow, on the question of rejection.

Private bankers.

Mr. Ropes, from said committee, on the order relative to requiring quarterly statements from private bankers; and

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On the order relative to amending section 1 of chapter 175 of the laws of 1868, relative to investments by savings banks; and Savings banks.

Mr. Holmes from the same committee, on the order relative to withdrawals of deposits in savings banks; and Ibid.

On the order relative to requiring trustees of savings banks to be depositors therein, severally reported that it is inexpedient to legislate thereon; and these reports were read, and placed in the orders of the day for to-morrow. Ibid.

Mr. Knowlton of Bristol, on leave, introduced a bill to amend section 6 of chapter 293 of the Acts of the year 1870, to incorporate the town of Mashpee; and Mashpee.

Mr. Russell, a bill relating to conveyances, gifts, and contracts, between husband and wife; and these bills were severally read, and referred to the committee on the Judiciary. Husband and wife.

Mr. Merriam, on leave, introduced a bill to amend section 20 of chapter 372 of the Acts of 1874, relating to railroad corporations; and the same was read, and referred to the committee on Railroads. Railroad corporations.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Gilbert, —

Ordered, That the Auditor of the Commonwealth be requested to communicate to the Senate the annual cost of printing, from 1850 to 1877 inclusive. Cost of printing.

Mr. Gardner presented a petition of the town of Wilbraham, for a division of said town. Wilbraham.

Also, petitions of

John M. Merrick and others, Ibid.

William V. Sessions and others, and

Decius Beebe and others, severally in aid of the same.

The same senator also presented a petition of Walter Hitchcock and others, asking, if said town shall be divided, that they and their estates shall be included in the north town. Ibid.

Severally referred to the committee on Towns.

Mr. Abbott presented a petition of the city of Lowell, for re-imbursement of money paid as armory rent. Lowell.

Referred to the committee on Claims.

Severally sent down for concurrence.

Came up concurred.

Mr. Lynde presented a petition of E. B. Lynde and E. B. Lynde et als.

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Constitution. others, for amendment of the Constitution, providing for biennial sessions of the General Court and election of State officers.

Referred to the joint special committee on Constitutional Amendments.

Sent down for concurrence.

Came up concurred.

Franklin County, county commissioners of, Mr. Winn presented a petition of the county commissioners of the County of Franklin for authority to borrow money.

Referred to the committee on the Judiciary.

Papers from the House.

Superior Court for County of Middlesex. A bill to change the time of holding the June term of the Superior Court for criminal business for the county of Middlesex was read, and referred to the committee on the Judiciary.

Labor of convicts. *Ordered*, In concurrence, that the committee on Prisons inquire what, if any, contracts for the labor of convicts have been made by the officers of the house of correction at East Cambridge, in the county of Middlesex, and, if so, with whom and on what terms; and also whether any branch of manufacture is there carried on on behalf and at the expense of the county, and, if so, what, and whether at a loss or profit.

Taxes. Also that the joint special committee on Taxation consider the expediency of reporting a bill for the repeal of all laws authorizing a discount for the prompt payment of taxes.

Cape Cod Canal. Also that the committee on Harbors consider the expediency of applying to Congress for aid in the construction of a ship-canal across Cape Cod.

Gyles Merrill et als. A petition of Gyles Merrill and others, for legislation to compel the proper management of the Ministerial Fund of the North Parish in Haverhill; and

Jacob Pratt et als. A petition of Jacob Pratt and others, members of the Third Congregational Church in Chelsea, for an Act of incorporation, were severally referred to the committee on Parishes and Religious Societies.

Mary A. Derby. A petition of Mary A. Derby of Needham, for State aid; and

Charles P. Brooks. A petition of Charles P. Brooks, for compensation for work and material on repairs of the State House, were referred to the committee on Claims.

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A petition of Jordan, Marsh, & Co., for legislation to prevent the taking of sand, gravel, or other substances from beaches in the town of Hull, was referred to the committee on Harbors. Jordan, Marsh, & Co.

A petition of Mary N. Shumway and others, for the enactment of a prohibitory law, was referred to the joint special committee on that subject. Prohibitory law.

A petition of Silas Mosman and others, for an Act of incorporation as proprietors of Maple Grove Cemetery, was referred to the committee on Mercantile Affairs. Silas Mosman et als.

Severally in concurrence.

The orders of the day were taken up; and the bill in addition to an Act making appropriations for the maintenance of the government during the present year was read a third time, and passed to be engrossed, in concurrence. Appropriations.

The following engrossed bills (the first of which originated in the Senate) passed to be enacted, and were laid before the governor for his approval, to wit: — Bills enacted, and laid before the Governor.

In relation to the publication of rules to regulate the transportation of explosive compounds.

In addition to an Act entitled "An Act for the relief of the Eastern Railroad Company, and the securing of its debts and liabilities."

Adjourned.

WEDNESDAY, January 30, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Ewing, from the committee on the Fisheries, on the petition of the Boston Asylum and Farm School, reported a bill concerning shell-fisheries on the shores of Thompson's Island; and the same was read, and ordered to a second reading. Thompson's Island.

Mr. Canfield, from the committee on Claims, on the petition of Maria J. Knight, reported that the petitioner have leave to withdraw; and the report was read, and placed in orders of the day for to-morrow. Maria J. Knight.

Mr. Barton, from the committee on Insurance, on the bill to amend section one of chapter forty-two of the Acts of the year 1875, reported a bill in relation to certain fire- Fire-insurance companies of other states.

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insurance companies of other states; and the same was read, and ordered to a second reading.

District Court for Southern Berkshire.

Mr. Brown, on leave, introduced a bill to establish the District Court for Southern Berkshire; and the same was read, and referred to the committee on the Judiciary.

On motion of Mr. Swett, —

Constitution.

Ordered, That the committee on Constitutional Amendments consider the expediency of amending the Constitution so as to provide for biennial sessions of the Legislature; also of amending the same so as to provide for biennial elections of Governor, Lieutenant-Governor, and other State officers.

On motion of Mr. Winn, —

Railroads and highways.

Ordered, That the committee on Railroads consider and report what legislation, if any, is necessary relative to the alteration of the crossings of railroads and highways, or the appointment of special commissioners to award damages, and for other purposes connected with such alterations.

Severally sent down for concurrence.

Came up concurred.

Papers from the House.

Malden, Medford, and Melrose.

A bill relating to the water-loan sinking-funds of the towns of Malden, Medford, and Melrose was read, and referred to the committee on the Judiciary.

Interest on taxes.

A report of the joint special committee on Taxation, that it is inexpedient to legislate on the order relative to relieving delinquent tax-payers from paying interest on amount of taxes, was read, and placed in the orders of the day for to-morrow.

Commonwealth's Flats at South Boston.

Ordered, In concurrence, that the committee on Printing consider the expediency of printing extra copies of the contracts and correspondence relative to the Commonwealth's flats at South Boston, reported by the Commissioners on Public Lands.

Disabled soldiers.

Also that the committee on Public Charitable Institutions consider the expediency of building a home for the disabled soldiers and sailors of the Commonwealth.

Armory rent.

Petitions of

The selectmen of Leominster,

The selectmen of Adams, and

The selectmen of Pittsfield, severally for re-imbursement

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of money paid as armory rent, were severally referred to the committee on Claims.

A petition of Perry Newhall and others, for an amendment of the Constitution abolishing the Senate, limiting the number of representatives to 100, and limiting the pay of senators and representatives, was referred, in concurrence, to the committee on Constitutional Amendments. Constitution.

Petitions of
C. H. Read and others, and
E. D. Rice and others, severally that the holders of real estate may be allowed to deduct, for the purposes of taxation, the amount for which their real property is mortgaged, were referred to the joint special committee on Taxation. Taxation.

A petition of the selectmen of Swampscott for the payment of said town's proportion of the school-fund for 1875, withheld on account of errors in school-returns, was referred to the committee on Education. Swampscott.

Petitions of,
Jefferson Church and others,
C. D. Paige and others,
Sarah J. Newton and others,
J. A. Bacon and others,
Eliphalet Trask and others,
Eben W. Twing and others,
E. Adelaide Caswell and others,
Samuel B. Spooner and others, and
Maria F. Walling and others, severally that the right of suffrage may be granted to woman, were referred to the joint special committee on that subject. Woman suffrage.

Severally in concurrence.

Ordered, In concurrence, that the committee on Education consider the expediency of making such changes in the statute law, that more attention shall be given to the useful and substantial English branches, and less attention to the ornamental, — to the end that the children may be better fitted to care for and support themselves when they become men and women. Education, Laws relating to.

The orders of the day were taken up; and the bill to provide for the printing of certain extra copies of the Savings Bank Commissioners' Report; and Savings Bank Commissioners.

The Resolve in favor of the Commissioners on Conta- Cattle Commissioners.

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gious Diseases among Cattle, were severally read a second time, and ordered to a third reading.

Savings Bank Commissioners. The bill to authorize the Commissioners of Savings Banks to attend the meetings of bankrupt railroad corporations was, in accordance with the report of the committee thereon, rejected.

The reports,

Savings banks. On the order relative to withdrawals of deposits from savings banks;

Ibid. On the order relative to requiring trustees of savings banks to be depositors in the institutions of which they are officers;

Ibid. On the order relative to amending section 1 of chapter 175 of the laws of 1868, relative to investments by savings banks; and

Private bankers. On the order relative to requiring quarterly statements from private bankers, were severally accepted.

Sent down for concurrence.

Came up concurred.

Bills enacted, and laid before the Governor. The following engrossed bills (the first of which originated in the Senate), passed to be enacted, and were laid before the Governor for his approval; to wit:—

In further addition to an Act relating to the Mystic River Corporation.

Making appropriations for the compensation and travel of the members of the Legislature, for the compensation of officers thereof, and for other purposes.

Making appropriations for the maintenance of the government for the present year.

In addition to an Act making appropriations for the maintenance of the government for the present year.

Adjourned.

THURSDAY, January 31, 1878.

Met according to adjournment.

The journal of yesterday was read.

Franklin County law-library. Mr. Brown, from the committee on the Judiciary, reported the bill to provide moneys for the law-library of Franklin County without amendment; and the same was ordered to a second reading.

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Land-damage cases.

Mr. Merriam, from the committee on the Judiciary, on the bill relating to the tender and offer of judgment in land-damage and lien cases, reported the same in a new draft; and the bill was read, and ordered to a second reading.

Superior court in county of Middlesex.

Mr. Russell, from the same committee, reported the House bill, to change the time of holding the June term of the Superior Court for criminal business for the county of Middlesex, without amendment; and the same was ordered to a second reading.

Intoxicating liquors.

Mr. Ewing, on leave, introduced a bill to amend chapter 99 of the Acts of 1875, regulating the sale of intoxicating liquors; and the same was read, and referred to the committee on the Liquor Law.

Bristol County Agricultural Society.

Mr. Davol, on leave, introduced a bill to enable the Bristol County Agricultural Society to obtain its State bounty; and the same was read, and referred to the committee on Claims.

Steam boilers.

Mr. Palmer, on leave, introduced a bill for the appointment of inspectors of steam-boilers; and the same was read, and referred to the committee on Manufactures.

Severally sent down for concurrence.

Came up concurred.

Savings banks and trust companies.

On motion of Mr. Holmes, —

Ordered, That the committee on Banks and Banking consider and report whether any further legislation is expedient, in regard to the securities received as collateral for loans by savings banks and trust companies.

Mrs. E. R. Libbey.

On motion of Mr. Truell, —

Ordered, That the committee on Claims consider the expediency of granting State aid to Mrs. E. R. Libbey.

Commissioners on taxation, Report of.

On motion of Mr. Coffin, —

Ordered, That the committee on Printing consider the expediency of printing from the stereotyped plates belonging to the Commonwealth, additional copies of House document No. 15 of the year 1875, or any portion thereof, being the report of the Commission appointed under the resolve authorizing the appointment of a commission to inquire into the expediency of revising and amending the laws relating to taxation and the exemptions therefrom.

Severally sent down for concurrence.

Came up concurred.

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Dogs. Mr. Gilbert presented a petition of Dr. C. B. Smith and others, for more stringent legislation in regard to the licensing of dogs.

Referred to the committee on Agriculture.

John P. Sawin. Mr. Palmer presented a petition of John P. Sawin for State aid.

Ibid. Also a petition of Edward J. Jones and others in aid of the same.

Referred to the committee on Claims.

Mr. Knowlton presented remonstrances of

Charles H. Pease and others, and

George B. Richmond and others, severally against the

A. C. Fish et als. petition of A. C. Fish and others.

Referred to the committee on the Fisheries.

Severally sent down for concurrence.

Came up concurred.

Pardons. A message was received from the Governor, transmitting a list of pardons granted in the year 1877; and the same was laid on the table, and ordered to be printed.

Papers from the House.

Bills. Bills,

In addition to an Act to establish a free bridge across the Connecticut River, between Springfield and West Springfield;

To confirm certain acts done by Henry E. Taintor of Hartford in the State of Connecticut, as Commissioner for Massachusetts, were severally read, and referred to the committee on the Judiciary.

Insurance. *Ordered*, In concurrence, that the committee on Insurance consider the expediency of providing by law that innocent misstatements in applications for insurance, which do not substantially affect the risks, shall not defeat or avoid policies.

High schools. Also that the committee on Education consider the expediency of amending the law obliging towns to establish and maintain a high school, so as to leave it optional with the towns to vote to have a high school or not.

Expenditures by state officials. Also that the committee on Expenditures inquire whether any amendment of existing laws is requisite or desirable, in order to limit the expenditures of State officials and institutions to the amounts severally appropriated.

The following order was referred to the committee on Senate Rules and Orders: —

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Ordered, That joint rule 23 be amended by adding, after the word "Legislature" in the fifteenth line, the words, "and no printing for any other purpose than the use of the Legislature, or either branch thereof, shall be authorized, except by bill or resolve." Printing.

A report of the committee on Printing, on the order for printing a list of committees in memorandum form, the same being that it should not be adopted, was read, and placed in the orders of the day for to-morrow. Committee lists.

A bill relating to the appointment of city physician in certain cities of the Commonwealth was read, and referred to the committee on Water Supply and Drainage. City physician.

A petition of the town of Millbury, for re-imbursement for money paid as armory rent, was referred to the committee on Claims. Millbury.

A petition of the trustees of Tufts College for an amendment to its charter; and Tufts College.

A petition of the trustees of Peirce Academy of Middleborough, for amendment of charter, were referred to committee on Education. Peirce Academy.

A petition of Mary J. Floyd and others, for a repeal of the license law, and the re-enactment of the prohibitory law, was referred to the joint special committee on that subject. Mary J. Floyd et als.

Petitions of,
Daniel Wait and others,
E. W. Whitney and others,
W. S. Thurston and others,
Harriet C. Ireson and others,
A. O. Kidder and others,
Mary W. Davis and others,
Cyrus A. Bartol and others,
S. E. Parker and others,
Henry B. Learned and others, and
Cyrus Maynard and others, severally that the right of suffrage may be granted to woman, were referred to the joint special committee on that subject. Woman suffrage.

Severally in concurrence.

The bill in relation to certain fire-insurance companies of other states was discharged from the orders of the day, and passed over. Fire-insurance companies of other states.

The Resolve in favor of the Commissioners on Contagious Diseases among Cattle was discharged from the orders of the day, and laid on the table. Cattle Commissioners.

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Thompson's Island.

The orders of the day were taken up; and the bill concerning shell-fisheries on the shores of Thompson's Island was read a second time, and ordered to a third reading.

Savings Bank Commissioners' report.

The Senate bill to provide for the printing of certain extra copies of the Savings Bank Commissioners' Report was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Maria J. Knight.

The report on the petition of Maria J. Knight was laid on the table.

Interest on taxes.

The report on the order in relation to amending the Act of 1873 so as to relieve delinquent tax-payers from the payment of excessive interest on taxes was accepted in concurrence.

State Constabulary and State Detective Force.

The communication from the Auditor, with statement of expenses of the State Constabulary and the State Detective Force, was taken from the table, and referred to the joint special committee on the State Detective Force.

Sent down for concurrence.

Came up concurred.

Adjourned.

FRIDAY, February 1, 1878.

Met according to adjournment.

The journal of yesterday was read.

Lowell.

Mr. Coffin, on leave, introduced a bill for the protection of the public against unsafe and dangerous buildings in the city of Lowell; and the same was read, and referred to the committee on the Judiciary.

Income.

The same senator, on leave, introduced a bill relative to taxing income; and the same was read, and referred to the joint special committee on Taxation.

Sent down for concurrence.

Came up concurred.

Telegraph Companies.

Mr. Coffin, from the committee on the Judiciary, on the bill to extend an Act concerning manufacturing and other corporations to telegraph companies, reported that the same ought not to pass; and it was placed in the orders of the day for to-morrow, on the question of rejection.

Hannah G. Jackson et als.

Mr. Hill presented a petition of Mrs. Hannah G. Jackson and others, that women who own property, and pay

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taxes thereon, may be allowed to vote in county and municipal elections.

Referred to the joint special committee on Woman Suffrage.

Sent down for concurrence.

Came up concurred.

Papers from the House.

Bills, Bills.

To change a part of the boundary-line between the towns of Hanover and South Scituate (in a new draft);

In relation to notice in case of accidents on railroads attended with loss of life to any person (on an order in relation to the subject), were severally read, and ordered to a second reading.

Reports of the committee on Banks and Banking, that it is inexpedient to legislate on the order relative to the further protection of depositors in savings banks; and Savings banks.

On the order relative to providing that no officer of savings banks shall be of the board of investment, or employed in the examination of the title to property proposed as security for loans, were severally read, and placed in the orders of the day for to-morrow. Ibid.

Ordered, In concurrence, that the joint special committee on Taxation consider the expediency of amending section 33 of chapter 12 of the General Statutes, so as to authorize collectors of taxes to sell the liens on real estate, at private sale, for the amount of the taxes and costs due on the same. Sale of liens on real estate for amount of taxes.

Also that the committee on Agriculture consider the expediency of reporting a bill to better protect human life from rabid dogs. Protection from dogs.

Also that the Clerks of the two Houses cause the 20th joint rule to be published once a week in three daily newspapers in the city of Boston; also in one newspaper in each other city of the Commonwealth, until the first day of March. 20th joint rule.

A petition of George Tyler Bigelow and others, for relief from the present method of taxing corporate property in other States, by the towns and cities of the Commonwealth, was referred to the joint special committee on Taxation. George Tyler Bigelow et als.

A petition of Samuel Butler and others, for a division of the town of Edgartown, was referred to the committee on Towns. Samuel Butler et als.

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Woman suffrage.

Petitions of
Bernette H. Williams and others,
Jones Frankle and others,
S. R. Urbino and others,
Alice Wild and others,
William Lloyd Garrison and others,
Annie P. Adams and others,
Harriet A. Felton and others, and
Mary Ames Atkins and others, severally, that the right of suffrage may be granted to woman, were referred to the joint special committee on that subject.

Bills.

The orders of the day were taken up, and the bills,
To provide moneys for the law-library of Franklin County;
Relating to the tender and offer of judgment in land-damage and lien cases;
To change the time of holding the June term of the Superior Court for criminal business for the county of Middlesex, were severally read a second time, and ordered to a third reading.

List of committees.

A report of the committee on Printing, on the order relative to printing a list of committees in memorandum form, was passed over.

Thompson's Island.

The Senate bill concerning shell-fisheries on the shores of Thompson's Island was read a third time, and passed to be engrossed.

Sent down for concurrence.

Fire-insurance companies.

The bill in relation to certain fire-insurance companies of other States was read a second time, and ordered to a third reading.

On motion of Mr. Hill, —

Adjournment.

Ordered, That when the Senate adjourns it be to meet on Monday at 2 o'clock, P. M.

Adjourned.

MONDAY, February 4, 1878.

Met according to adjournment.

The journal of Friday was read.

To exempt land of certain institutions from taxation.

On motion of Mr. Lynde, —

Ordered, That the committee on Taxation consider the expediency of limiting the acreage that religious, educa-

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tional, and charitable institutions may hold exempt from taxation.

Sent down for concurrence.

Came up concurred.

A communication was received from the Railroad Commissioners, transmitting their ninth annual report; and the same was referred to the committee on Railroads. Railroad Commissioners.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Bishop, —

Ordered, That the joint special committee on Taxation be authorized to employ a stenographic or other reporter, in such matters as they may deem expedient. Committee on taxation.

Sent down for concurrence.

On motion of Mr. Hill, —

Ordered, That the evidence taken before the committee on Claims, in the matter of the petition of Amaziah Mayo and another, now in hearing, be printed for the use of the Legislature. Amaziah Mayo.

On motion of Mr. White of Plymouth, —

Ordered, That the special committee on the Returns of Votes for Senators, be authorized to send for persons and papers in the matter of the petition of F. W. Clapp, for a recount of votes in the Fourth Middlesex Senatorial District. F. W. Clapp.

Mr. Merriam, on leave, introduced a bill relating to bonds in actions of replevin; and the same was read, and referred to the committee on the Judiciary. Bonds in actions of replevin.

Mr. Ropes presented a petition of William I. Bowditch and others, that widows may be authorized to act as executors of their husbands' wills, in certain cases. William I. Bowditch, et als.

Referred to the committee on Probate and Chancery.

Papers from the House.

A bill concerning the sewage of the State Prison in the town of Concord (on the communication of the State Board of Health in relation thereto), was read, and ordered to a second reading. State Prison at Concord.

Reports of the committee on Claims, granting leave to withdraw, on the petitions of Mary A. Griffin and Adelaide E. Palmer.

Mary A. Griffin, and

Adelaide E. Palmer, were severally read, and placed in the orders of the day for to-morrow.

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Old South Meeting-house.

A Resolve in favor of the Old South Association in Boston; and

Petitions of

Hon. A. C. Mayhew and others; and

President J. H. Seelye and others, severally in aid of the preservation of the Old South Meeting-house, came up referred to the committee on Federal Relations; and the Senate non-concurred in the reference, and referred the same to the committee on Expenditures.

Sent down for concurrence.

Came up concurred.

Taxes on real estate.

Ordered, In concurrence, that the joint special committee on Taxation consider the expediency of so amending the statutes relating to the assessment and collection of taxes upon real estate, as to provide for an apportionment of the same in case of a division or severance of title before or after assessment.

Schools.

Also, that the committee on Education consider the expediency of providing, by legislation, for ascertaining the details, expense, and result of the teaching of industrial branches in schools in other countries, with a view to their introduction into the schools of this State.

David Pulsifer.

A petition of David Pulsifer for compensation for editing and transcribing certain ancient records, was referred to the committee on Claims.

Henry R. Smith, et als.

A petition of Henry R. Smith and others, for the passage of a law authorizing the appointment of State supervisors of education, was referred to the committee on Education.

Severally in concurrence.

Woman suffrage.

Petitions of

S. H. Merrick and others;

William Durant and others;

O. N. Wing and others;

Thomas Z. Glass and others; and

W. F. Temple and others, severally that the right of suffrage may be granted to woman, were referred to the joint special committee on that subject.

Severally in concurrence.

Bills.

The orders of the day were taken up; and the bills,

To change a part of the boundary line between the towns of Hanover and South Scituate;

In relation to notice of accidents on railroads attended with loss of life to any person, were severally read a second time and ordered to a third reading.

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The bill to extend an Act concerning manufacturing and other corporations to telegraph companies was, in accordance with the report of the committee thereon, rejected. Manufacturing and other corporations.

The Senate bill to provide moneys for the law library of Franklin County was read a third time, and passed to be engrossed. Franklin County law library.

Sent down for concurrence.

Came up concurred.

The Senate bill in relation to certain fire insurance companies of other states was read a third time, and passed to be engrossed. Fire-insurance companies of other states.

Sent down for concurrence.

Came up concurred.

The House bill to change the time of holding the June term of the superior court for criminal business for the county of Middlesex was read a third time and passed to be engrossed in concurrence. Superior Court for criminal business in County of Middlesex.

The bill relating to the tender and offer of judgment in land-damage and lien cases was read a third time, and laid on the table. Land-damage cases.

The House reports, Reports.

On the order relative to the further protection of depositors in savings banks;

On the order relative to the examination of titles by officers of savings banks; and

On the order relative to printing certain copies of the list of committees in memorandum form, were severally accepted in concurrence.

Mr. Gregory, from the committee on the Library, on the annual report of the Librarian of the State Library, reported that no legislation is required thereon; and the report was read, and placed in the orders of the day for to-morrow. Library.

Adjourned.

TUESDAY, February 5, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Lynde, on leave, introduced a bill to prevent the spread of contagious and infectious diseases among do- Domestic animals.

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mestic animals; and the same was read, and referred to the committee on Agriculture.

Sent down for concurrence.

Came up concurred.

Boston and Lowell Railroad Corporation.

Mr. Coffin, on leave, introduced a bill to authorize the widening of the freight bridge of the Boston and Lowell Corporation across Charles River; and the same was read, and referred to the committee on Harbors.

Sent down for concurrence.

Poor debtors.

Mr. Knowlton, on leave, introduced a bill to amend chapter 124 of the General Statutes in relation to poor debtors.

Special justices of district courts.

Also a bill to regulate the salaries of special justices of district courts; and these bills were severally read, and referred to the committee on the Judiciary.

Passage of locomotives over railroad bridges.

Mr. Gilbert, from the committee on Railroads, on the order in relation to prohibiting the running of two locomotives in close connection with each other, on steam railroads, reported that it is inexpedient to legislate thereon; and the report was read, and placed in the orders of the day for to-morrow.

Mrs. W. Cains et als.

Mr. Gogin presented a petition of Mrs. W. Cains and others, property owners of South Boston, that the right to vote in municipal elections may be granted to all widows and women holding property in their own right.

Referred to the joint special committee on Woman Suffrage.

Charles E. Allen et als.

Mr. Knowlton of Bristol presented a petition of Charles E. Allen and others, that the Schouler Guards may be authorized to form a new company.

Ibid.

Also a petition of George B. Richmond and others, in aid of the same.

Referred to the committee on Military Affairs.

Severally sent down for concurrence.

Came up concurred.

Papers from the House.

Contracts for filling lands in Boston Harbor.

A communication from the Land Commissioners, transmitting, for the use of the Legislature, copies of contracts between the Commonwealth, the Boston and Albany Railroad and the city of Boston, and of the correspondence relating to the same, was referred in concurrence to the committee on Public Lands.

Board of Education.

The forty-first annual report of the Board of Education was referred to the committee on Education, in concurrence.

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The annual report of Inspector of Gas and Gas Meters was referred, in concurrence, to the committee on Mercantile Affairs. Inspector of gas.

A bill to provide for the payment in gold coin of the interest and principal of Massachusetts scrip or bonds was read, and referred to the committee on the Treasury. Interest of Massachusetts scrip.

A bill to confirm certain acts done by Harvey Kirkland as a justice of the peace was read, and referred to the committee on the Judiciary. Harvey Kirkland.

A petition of D. J. Dunn and others, for legislation to prohibit the leasing of convict-labor to individuals or corporations; and D. J. Dunn et als.

A remonstrance of John J. O'Connor and others, against a repeal of the law relating to the employment of women and children in manufacturing establishments, were referred to the committee on Labor. Employment of women and children.

A petition of Nathaniel Burnham and others, for an Act to regulate the taking of eels in Ipswich River, was referred to the committee on the Fisheries. Nathaniel Burnham et als.

A petition of J. F. Blackinton and others, for a law providing for the appointment of county superintendents of public schools, was referred to the committee on Education. J.F. Blackinton et als.

A petition of the mayor of Boston, for an Act extending the powers of the collector of taxes of the city of Boston, was referred to the joint special committee on Taxation. Boston.

A communication from the Insurance Commissioner, relating to legislation upon the subject of insurance, was referred to the committee on Insurance. Insurance.

Petitions of Woman suffrage.

Abba W. Winslow and others;

J. S. Parmenter and others; and

Augustus Jones and others, severally that the right of suffrage may be granted to woman, were referred to the committee on Woman Suffrage.

Severally in concurrence.

The orders of the day were taken up; and the bill concerning the sewage of the State Prison in the town of Concord was read a second time, and ordered to a third reading. State Prison at Concord.

The House bills, Bills.

To change a part of the boundary line between the towns of Hanover and South Scituate; and

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In relation to notice of accidents on railroads attended with loss of life to any person, were severally read a third time, and passed to be engrossed in concurrence.

Reports. The House reports on the petitions of
Mary A. Griffin; and
Adelaide E. Palmer, were severally accepted in concurrence.

State Library. The Senate report on the report of the Librarian of the State Library was accepted.
Sent down for concurrence.
Came up concurred.

Adjourned.

WEDNESDAY, February 6, 1878.

Met according to adjournment.

The journal of yesterday was read.

Commissioners on taxation of 1875. Mr. Davol, from the committee on Printing, on the order in relation to the subject, reported a Resolve relative to printing additional copies of the report of the Commissioners on Taxation of the year 1875; and the same was read, and ordered to a second reading.

Remonetization of silver. Mr. Palmer, from the committee on Federal Relations, on the resolutions concerning the remonetization of silver; and
On the resolutions relating to the "Bland Silver Bill" before Congress, reported the same in a new draft, under the title of
"Resolutions concerning the remonetization of silver;" and these resolutions were severally read, and placed in the orders of the day for to-morrow.

Massachusetts scrip. Mr. Adams, from the committee on the Treasury, reported the bill to provide for the payment in gold coin of the interest and principal of Massachusetts scrip or bonds, without amendment; and the same was ordered to a second reading.

Payments for burial purposes. Mr. Ewing, on leave, introduced a bill relating to payments for burial purposes from the estates of deceased persons; and the same was read, and referred to the committee on Probate and Chancery.

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Mr. Adams, on leave, introduced a bill relating to applications for damages for land taken for the location of the Massachusetts Central Railroad; and the same was read, and referred to the committee on Railroads. Massachusetts Central Railroad.

Sent down for concurrence.

Mr. White of Plymouth, on leave, introduced a bill to abolish the Third District Court of Plymouth, and enlarge the jurisdiction of the Second District Court of Plymouth; and the same was read, and referred to the committee on the Judiciary. Plymouth district courts.

Mr. Swett presented a petition of Haydn Brown and others, for the repeal of the law regulating the taking of smelts in the Merrimack River; also for amendment of the law regulating the taking of shad in said river. Haydn Brown et als.

The same Senator also presented a petition of Joseph K. James and others in aid of the same. Ibid.

Referred to the committee on the Fisheries.

Sent down for concurrence.

Came up concurred.

Papers from the House.

A report of the committee on Railroads, that it is inexpedient to legislate on the order relative to repealing the laws authorizing towns and cities to subscribe for the stock of railroad corporations; and Railroad corporations.

A report of the same committee, granting leave to withdraw, on the petition of F. Hoffman and others, were severally read, and placed in the orders of the day for to-morrow. F. Hoffman et als.

A bill to repeal chapter 70 of the Acts of the year 1875, concerning vagrants, was read, and referred to the committee on Public Charitable Institutions. Vagrants.

A bill to amend chapter 385 of the Acts of 1874, establishing a reformatory prison for women, was read, and referred to the committee on Prisons. Reformatory prison for women.

A bill to regulate the method of voting in mutual fire-insurance companies was read, and referred to the committee on Insurance. Fire-insurance companies.

Severally in concurrence.

Ordered, In concurrence, that the committee on Insurance consider the expediency of authorizing mutual-insurance companies, with guarantee capital, to issue policies on the all-cash or joint-stock plan. Mutual-insurance companies.

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Commonwealth's flats. Also, that the committee on Public Lands consider the expediency of resuming possession of the lands of the Commonwealth in Boston Harbor, which were purchased of the Commonwealth by the Boston and Albany Railroad Company in the year 1869, the said company having failed to comply with the agreement dated December 8, 1869, to make certain improvements upon said lands.

Ibid. Also, what legislation, if any, is necessary to secure the speedy fulfilment of said agreement, to protect the Commonwealth.

Walter Shanly. A petition of Walter Shanly, for allowance to him of a sum sufficient to meet his actual loss in the construction of the Hoosac Tunnel; and

F. S. Rice et als. A petition of F. S. Rice and others, that the town of Florida may be re-imbursed for the support of paupers made residents by being employed on the Hoosac Tunnel; and

Concord. A petition of the selectmen of Concord, for re-imbursement of money paid as armory rent, were severally referred to the committee on Claims.

Jordan, Marsh, & Co. A remonstrance of Edward G. Knight and others, against the petition of Jordan, Marsh, & Co., was referred to the committee on Harbors.

George Knight et als. A petition of George Knight and others, for the prohibition of trawl-fishing in Massachusetts Bay, was referred to the committee on the Fisheries.

F. B. Mower et als. A petition of F. B. Mower and others, for the passage of a law prohibiting the leasing of convict-labor, was referred to the joint special committee on Labor.

State Industrial School for girls. A petition of the trustees of the State Industrial School for Girls, for an appropriation to rebuild the houses burned during the last year, was referred to the committee on Public Charitable Institutions.

Boston and Poughkeepsie Railroad Company. A petition of Fowler T. Moore and others, in aid of that of the Boston & Poughkeepsie Railroad Company, was referred to the committee on Railroads.

Mortgaged property. A petition of H. L. Goddard and others, for a change in the laws relating to the taxation of mortgaged property, was referred to the joint special committee on Taxation.

William M. Child et als. A petition of William M. Child and others, for a law prohibiting the manufacture of goods in reformatory and criminal institutions on state account, was referred to the committee on Manufactures.

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A petition of the Mayor of Taunton, for amendment of the Act of 1875, for supplying said city with water; and Taunton.

A petition of C. R. Ford and others, for an Act to supply the town of Brockton with pure water, were severally referred to the committee on Water Supply and Drainage. C. R. Ford et als.

Severally in concurrence.

The orders of the day were taken up; and the report on the order relative to the running of locomotives immediately following each other over steam-railroad bridges, was accepted. Railroad Bridges.

Sent down for concurrence.

Came up concurred.

The bill concerning the sewage of the State Prison in the town of Concord was passed over. State Prison.

Adjourned.

THURSDAY, February 7, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Sherman, from the committee on Parishes and Religious Societies, on the petition of the Vine-street Congregational Society of Boston, reported Vine-street Congregational Society.

A bill to change the name of said society; and the same was read, and ordered to a second reading.

Mr. Ewing, on leave, introduced a bill to amend the act to supply the city of Holyoke with pure water; and the same was read, and referred to the committee on the Judiciary. Holyoke.

Mr. White of Plymouth, on leave, introduced a bill to amend chapters 93, 94, 100, and 109 of the General Statutes, relating to bonds of executors, adminstrators, trustees, and guardians; and the same was read, and referred to the committee on Probate and Chancery. Executors, administrators, trustees, and guardians.

A message was received from the Governor transmitting the annual report of the Trustees of the Massachusetts Agricultural College; and the same was laid on the table, and ordered to be printed. Massachusetts Agricultural College.

Mr. Winn, on leave, under a suspension of the 22d joint rule, introduced a bill to confirm the location of the Troy and Greenfield Railroad, and for other purposes; and the same was sent to the House for concurrence in the suspension of the rule. Troy and Greenfield Railroad.

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Supreme judicial court for the counties of Nantucket and Dukes County.

Mr. Knowlton of Bristol, on leave, introduced a bill in relation to the terms of the supreme judicial court for the counties of Nantucket and Dukes county; and the same was read, and referred to the committee on the Judiciary.

Chelsea Bridge.

Mr. Swett, from the committee on Roads and Bridges, on the petition of the mayor of the city of Chelsea, reported a bill concerning the maintenance of Chelsea Bridge; and the same was read and ordered to a second reading.

Domestic animals.

Mr. Lynde, from the committee on Agriculture, reported the bill to prevent the spread of contagious and infectious diseases among domestic animals; and the same was ordered to a second reading.

On motion of Mr. Gilbert, —

Railroad corporations.

Ordered, That the committee on Railroads consider whether any further legislation is necessary in regard to the establishment of railroad corporations.

On motion of Mr. Knowlton of Bristol, —

Buzzard's Bay.

Ordered, That the committee on the Fisheries consider the expediency of so far modifying the existing laws in relation to seining in Buzzard's Bay, and waters connected with the same, as will permit the catching of menhaden.

On motion of Mr. Merriam, —

Railroads.

Ordered, That the committee on Railroads consider the expediency of amending section 20 of the general railroad law, with reference to the gauge of railroads.

Severally sent down for concurrence.

Came up concurred.

On motion of Mr. Gardner, —

Hawkers and pedlers.

Ordered, That the committee on the Judiciary consider the expediency of amending the laws relating to hawkers and peddlers.

On motion of the same Senator, —

Trial justices.

Ordered, That the committee on the Judiciary consider the expediency of amending the laws relating to the jurisdiction of trial justices in criminal cases.

Children.

Mr. Holmes, on leave, introduced a bill to amend an act entitled an act relating to the employment of children and regulations respecting them; and the same was read, and referred to the committee on Education.

Sent down for concurrence.

Came up concurred.

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Mr. Day presented a remonstrance of the Boston Section Socialistic Labor Party against any extension of the hours of labor for women in factories. Hours of labor for women.

Referred to the joint special committee on Labor.

Mr. Gregory presented a petition of William Giles Dix, for a convention of the people of the United States for the purpose of forming a new national Constitution. William Giles Dix.

Referred to the committee on Federal Relations.

Severally sent down for concurrence.

Came up concurred.

Papers from the House.

Bills, Bills.

In relation to main drains and common sewers in the town of West Springfield;

To amend chapter 111 of the Acts of the year 1869, relating to sewers and drains;

Relating to sidewalks, crosswalks, common sewers, and main drains in the fire district of the town of Pittsfield, and for other purposes; and

Relating to surrender by bail or sureties in certain cases; were severally read, and referred to the committee on the Judiciary.

A bill to authorize cities and towns to furnish pupils in the public schools with stationery (in a new draft) was read, and ordered to a second reading. Public schools.

Ordered, In concurrence, that the committee on Printing inquire whether a larger edition of any of the series of public documents has been issued than is authorized by law, and, if so, whether the cost of the same has been paid out of the Treasury. Public documents.

Also that the committee on Manufactures consider the expediency of legislation to provide greater safeguards against accidents caused by explosion of boilers upon steamboats used for the conveyance of passengers on the waters within this Commonwealth. Steam boilers.

Also that the committee on Mercantile Affairs consider the expediency of amending sections 72, 73, 74, and 75 of chapter 49 of the General Statutes, in relation to public scales and public weighers, or of enacting a new law in relation to public weighing. Public weighing.

The Senate order in relation to printing the evidence taken before the committee on Claims, on the petition of Amaziah Mayo and another, came up referred to the com- Amaziah Mayo et als.

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mittee on Printing; and the Senate concurred in the reference thereof.

Samuel Butler et als. A petition of George H. Haselwood and others in aid of that of Samuel Butler and others, for a division of the town of Edgartown, was referred to the committee on Towns.

Massachusetts Agricultural College. A petition of the Massachusetts Agricultural College, for a grant of $25,000, was referred to the committee on Agriculture.

Henry Edwards. A petition of Henry Edwards, Trustee of the National Cemetery at Antietam, for the transfer of the title of the Commonwealth therein to the United States, was referred to the committee on Federal Relations.

Mary E. Bates and Timothy J. Burns. Petitions of
Mary E. Bates; and
Timothy J. Burns, severally for state aid; and

Hardwick. A petition of the town of Hardwick, for the payment of certain taxes retained by mistake in the treasury of the Commonwealth, were referred to the committee on Claims.

Woman suffrage. Petitions of
Benjamin H. Jones and others; and
A. M. Kelren and others, severally that the right of suffrage be granted to women, were referred to the joint special committee on that subject.

Severally in concurrence.

Massachusetts scrip or bonds. The orders of the day were taken up; and the bill to provide for the payment in gold coin of the interest and principal of Massachusetts scrip or bonds; and

Commissioners on taxation. The resolve relative to printing additional copies of the Report of the Commissioners on Taxation of the year 1875, were severally read a second time, and ordered to a third reading.

Reports. The House reports,
On the order in relation to the repeal of the laws authorizing towns to subscribe to the stock of railroad corporations; and
On the petition of F. Hoffman and others, were severally accepted in concurrence.

State Prison. The House bill concerning the sewage of the State Prison in the town of Concord was ordered to be engrossed in concurrence.

Silver. The resolutions concerning the remonetization of silver were further considered, amended, and passed, and ordered

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to be printed as amended; and the resolutions were sent down for concurrence in the passage thereof.

Adjourned.

FRIDAY, February 8, 1878.

Met according to adjournment.

The journal of yesterday was read.

Civil process.

Mr. Winn, on leave, introduced a bill to permit the continuance of civil process before trial justices, by justices of the peace; and the same was read, and referred to the committee on the Judiciary.

Foster King.

Mr. Winn presented a petition of Foster King, for compensation for damages caused by the construction of the Troy and Greenfield Railroad.

Referred to the committee on Claims.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Gilbert, —

State printing.

Ordered, That the Auditor be directed to furnish for publication, with his report of the cost of state printing heretofore ordered, a copy of the existing contract for state printing.

On motion of Mr. Swett, —

Deposits in savings banks.

Ordered, That the joint special committee on Taxation inquire into the expediency of exempting from taxation deposits in savings banks to the amount of real estate owned by said banks.

Papers from the House.

Appropriations.

A bill making appropriations for the expenses of the State Almshouse, the State Workhouse, the State Prisons, the State Primary School, the State Reform School for Boys, the State Industrial Schoool for Girls, the State Detective Force, and for other purposes, was read, and referred to the committee on the Treasury.

Bets and wagers.

A bill in relation to the recording and registering of bets and wagers, and the buying and selling of pools, was read, and referred to the committee on the Judiciary.

Semi-annual statements by savings banks.

A report of the committee on Banks and Banking, that it is inexpedient to legislate on the order relative to requiring statements from savings banks to be published semi-

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annually in some local newspaper, was read, and placed in the orders of the day for Monday next.

Home for disabled soldiers and sailors.

A report of the committee on Public Charitable Institutions, asking to be discharged from the consideration of the order in relation to building a home for disabled soldiers and sailors of this Commonwealth, and referring the same to the committee on Military Affairs, was accepted in concurrence.

Alien passengers.

Ordered, In concurrence, that the committee on Public Charitable Institutions consider the expediency of amending section 15 of chapter 71 of the General Statutes, relative to alien passengers.

William Whiting, et als.

A petition of William Whiting and others, of Holyoke, that a military company may be stationed in said town, was referred to the committee on Military Affairs.

W. H. Coates et als.

A petition of W. H. Coates and others, for amendment of the laws regulating the appointment of pilots for the port of Marblehead; and

Boston and Lowell Railroad Corporation.

A petition of the Boston and Lowell Railroad Corporation, for authority to widen its freight-bridge across Charles River, were severally referred to the committee on Harbors.

C. C. Houghton et als.

A petition of C. C. Houghton and others, for the repeal of the law requiring the extension of Foster Street, in the city of Worcester, was referred to the committee on Roads and Bridges.

Timothy Moore et als.

A petition of Timothy Moore and others, that an owner of real estate may be allowed to deduct, for the purpose of taxation, the amount for which his real property is mortgaged, was referred to the joint special committee on Taxation.

Petitions of

Newburyport.

The city of Newburyport; and

Westford.

The selectmen of Westford, severally for re-imbursement of money paid as armory rent, were referred to the committee on Claims.

Nahum Fisher et als.

A petition of Nahum Fisher and others, for legislation which shall tend to reduce the number of dogs in this Commonwealth; and

Tax on dogs.

A remonstrance of Edward H. Lathrop and others, against an increase of tax upon the owners of dogs, were severally referred to the committee on Agriculture.

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A remonstrance of Isaac Hingman and others, against the petition of C. R. Ford and others, was referred to the committee on Water Supply and Drainage. C. R. Ford et als.

Severally in concurrence.

The message from the Governor, with a list of pardons granted in the year 1876, was taken from the table, and referred to the Committee on Prisons. Pardons.

Sent down for concurrence.

Came up concurred.

The orders of the day were taken up; and the bills, Bills.

To change the name of the Vine-street Congregational Society in Boston;

To prevent the spread of contagious and infectious diseases among domestic animals;

To authorize cities and towns to furnish pupils in the public schools with stationery, were severally read a second time, and ordered to a third reading.

The bill concerning the maintenance of Chelsea Bridge, was assigned for consideration on Tuesday next. Chelsea Bridge.

The Senate resolve, relative to printing additional copies of the report of the Commissioners on Taxation of the year 1875, was read a third time, and passed to be engrossed. Taxation report of 1875.

Sent down for concurrence.

The House bill, to provide for the payment in gold coin of the interest and principal of Massachusetts scrip or bonds, was read a third time, and passed to be engrossed in concurrence. Massachusetts scrip or bonds.

On motion of Mr. Hill, —

Ordered, That, when the Senate adjourns, it be to meet on Monday next at 2 o'clock, P.M. Adjournment.

Adjourned.

MONDAY, February 11, 1878.

Met according to adjournment.

The journal of Friday was read.

Mr. Breed, from the committee on Street Railways, on the bill to amend section 2 of chapter 29 of the Acts of the year 1874, relating to street railways, reported that the same ought not to pass; and it was placed in the orders of the day for to-morrow on the question of rejection. Street railways.

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Jails and houses of correction.

Mr. Truell, from the committee on Prisons, to whom was referred the report of the Commissioners of Prisons, reported thereon, *in part*, a bill to amend section 47 of chapter 178 of the General Statutes, relating to jails and houses of correction; and the same was read, and ordered to a second reading.

On motion of Mr. Sherman, —

Commonwealth's flats in Boston Harbor.

Ordered, That the Attorney-General be requested, as soon as convenient, to submit an opinion to the Legislature, as to what are the rights of the Commonwealth in the matter pending between the Commonwealth and the Boston and Albany Railroad Corporation, in regard to the contracts of 1869 and 1873, and what remedy the Commonwealth has relative thereto.

Sent down for concurrence.

Came up concurred.

E. P. Carpenter et als.

Mr. Cogswell presented a petition of E. P. Carpenter and others, for an Act of incorporation as the State Union Telegraph and Telephone Company.

Referred to the committee on Mercantile Affairs.

J. H. Hathorne.

Mr. Burrage presented a petition of J. H. Hathorne, for compensation for the loss of a horse while used by Battery A of Massachusetts Artillery.

Referred to the committee on Claims.

Severally sent down for concurrence.

Came up concurred.

State printing.

A communication was received from the Auditor, transmitting, in compliance with an order of the Senate, a statement of the cost of state printing for twenty-eight years; also a copy of the present contract for state printing.

A communication was also received from the Auditor, covering a statement of the sums paid to or for the various boards and commissions, whether permanent, special, or temporary; also of all sums paid for printing the reports of such boards and commissions severally for the last ten years.

And these communications were severally laid on the table and ordered to be printed.

Papers from the House.

Bills,

Bills.

To extend the time during which the city of Worcester is authorized to lay out a public park, and to establish and maintain a reservoir;

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In relation to sales of merchandise at temporary stands in the streets of Boston; and

Relating to the removal of the inmates of the State Prison from Boston to Concord, were severally read, and referred to the committee on the Judiciary.

Troy and Greenfield Railroad.

The bill to confirm the location of the Troy and Greenfield Railroad, and for other purposes, came up concurred in the suspension of the 22d joint rule for the admission thereof; and the bill was thereupon referred to the committee on the Hoosac Tunnel and Troy and Greenfield Railroad.

Sent down for concurrence.

Came up concurred.

Tax sales.

A bill to amend section 6 of chapter 183 of the Acts of the year 1862, in relation to tax sales, was referred, in concurrence, to the committee on Taxation.

Committee hearings.

A report of the committee on Printing, on the order relative to retrenchment in advertising committee hearings, that it is inexpedient to legislate thereon; and

Liverus Hull et als.

A report of the committee on Mercantile Affairs, granting leave to withdraw on the petition of Liverus Hull and others, were severally read, and placed in the orders of the day for to-morrow.

Tax on ships.

Ordered, In concurrence, that the committee on Taxation consider the expediency of exempting from taxation ships employed in the foreign trade of the United States.

Green-Harbor Marsh.

Also, that the committee on Harbors inquire and report what, if any thing, has been done under chapter 219 of the Acts of the year 1877, in relation to Green-Harbor Marsh in the town of Marshfield.

Massachusetts Central Railroad Company.

A petition of the Massachusetts Central Railroad Company for an extension of the time within which claimants for land-damages may apply to county commissioners; and

Petitions of,

Orrin Whitbeck and others, and

Boston and Poughkeepsie Railroad Company.

M. C. Langdon and others, severally in aid of that of the Boston and Poughkeepsie Railroad Company, were referred to the committee on railroads.

C. H. Read et als.

A petition of J. R. Bigelow and others, in aid of that of C. H. Read and others, for a change of law relative to taxation of real estate, was referred to the committee on Taxation.

Woman suffrage.

Petitions of,

Silvanus Smith and others,

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Woman suffrage

George M. Southworth and others, and
Ann B. Barnard and others, severally that the right of suffrage may be granted to women, were referred to the joint special committee on that subject.

Severally in concurrence.

Savings banks.

The orders of the day were taken up; and the report on the order relative to requiring savings banks to publish semi-annual statements of their assets and liabilities was accepted in concurrence.

Vine-street Congregational Society.

The Senate bill to change the name of the Vine-street Congregational Society in Boston was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Diseases among domestic animals.

The Senate bill to prevent the spread of contagious and infectious diseases among domestic animals was read a third time, and passed to be engrossed.

Sent down for concurrence.

Public schools.

The bill to authorize cities and towns to furnish pupils in the public schools with stationery was read a third time; and the committee on Bills in the Third Reading having reported the same in a new draft, it was ordered to a second reading.

Bills enacted, and laid before the Governor.

The following engrossed bills (all of which originated in the House) passed to be enacted, and were laid before the Governor for his approval, to wit:—

To change a part of the boundary-line between the towns of Hanover and South Scituate.

To change the time of holding the June term of the Superior Court for criminal business for the county of Middlesex.

In relation to notice of accidents on railroads attended with loss of life to any person.

Adjourned.

TUESDAY, February 12, 1878.

Met according to adjournment.

The journal of yesterday was read.

Appropriations.

Mr. Adams, from the committee on the Treasury, reported the bill making appropriations for the expenses of

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the State Almshouse, the State Workhouse, the State Prisons, the State Primary School, the State Reform School for Boys, the State Industrial School for Girls, and for other purposes, without amendment; and the same was ordered to a second reading. Appropriations.

Mr. Merriam, from the committee on the Judiciary, to whom was referred the bill relating to bonds in actions of replevin, reported the same in a new draft; and it was read, and ordered to a second reading. Bonds in actions of replevin.

Mr. Brown, from the same committee, on the order relative to the venue of actions when either party resides out of the Commonwealth, reported a bill relating to the venue of actions before district, municipal, and police courts; and the same was read, and ordered to a second reading. Venue of actions.

Mr. White, of Plymouth, from the committee on the Judiciary, on the bill to amend section 6 of chapter 293 of the Acts of the year 1870, to incorporate the town of Mashpee; and Mashpee.

Mr. Canfield, from the committee on Claims, on the bill to enable the Bristol County Agricultural Society to obtain its State bounty, severally reported that the same ought to pass; and they were accordingly ordered to a second reading. Bristol County Agricultural Society.

Mr. Hill, from the committee on Harbors, on the petition of the Cape Cod Ship Canal Company, reported a bill to extend the time for commencing and completing the Cape Cod Ship Canal, and to reduce the capital stock of the company. Cape Cod Ship Canal Company.

Mr. Swett, from the committee on Parishes and Religious Societies, on the petition of the Methodist Episcopal Church in Lanesborough, reported a bill concerning the distribution of the Ministerial Fund in the town of Lanesborough; and these bills were read, and ordered to a second reading. Methodist Episcopal Church in Lanesborough.

Mr. Ewing, on leave, introduced a bill to amend section 1 of chapter 95 of the Acts of 1877, concerning birds; and the same was read, and referred to the committee on Agriculture. Birds.

The same Senator, on leave, introduced a bill to amend chapter 384 of the Acts of 1869, concerning the cultivation of fishes; and the same was read, and referred to the committee on the Fisheries. Fish.

Severally sent down for concurrence.

Came up concurred.

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Amaziah Mayo et als.

Mr. Davol, from the committee on Printing, on the order relative to printing the evidence taken before the committee on Claims, on the petition of Amaziah Mayo and another, reported that the same ought to pass; and the report was accepted, under a suspension of the rule, and sent down for concurrence.

Came up concurred.

On motion of Mr. Palmer, —

Directors of Boston and Albany Railroad Company.

Ordered, That Tuesday, February 19, at 3 o'clock, P.M., be assigned for a convention of both branches for the purpose of choosing three directors on the part of the Commonwealth of the Boston and Albany Railroad Company for the term of two years.

American Molded Collar Company.

Mr. Gogin presented a petition of the American Molded Collar Company for authority to issue shares at a par value of fifty dollars each.

Referred to the committee on Manufactures.

Jonathan Merrill.

Mr. Cate presented a petition of Jonathan Merrill in relation to fishing with seines in Merrimack River.

Referred to the committee on the Fisheries.

Constitution.

Mr. Lynde presented a petition of B. A. Corbin and others for an amendment of the Constitution providing for biennial sessions of the General Court.

Referred to the committee on Constitutional Amendments.

Samuel W. Winslow.

Mr. Burrage presented a petition of Samuel W. Winslow in relation to the passage of trains over railroad bridges.

Referred to the committee on Railroads.

Jonathan Bourne et als.

Mr. Knowlton of Bristol presented a petition of Jonathan Bourne and others for amendment of the law in relation to the taxation of mortgaged property.

Referred to the joint special committee on Taxation.

Taunton.

Mr. Davol presented a petition of the Mayor of Taunton for re-imbursement of money paid as armory rent.

Timothy Murphy.

Mr. Hill presented a petition of Timothy Murphy for State aid.

Severally referred to the committee on Claims.

Sent down for concurrence.

Came up concurred.

Barnstable County.

Mr. Cogswell presented a petition of the County Commissioners of Barnstable County for authority to borrow money for certain purposes.

Referred to the committee on the Judiciary.

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Mr. Bishop moved a reconsideration of the vote whereby the bill to prevent the spread of contagious and infectious diseases among domestic animals passed yesterday to be engrossed; and the motion, being considered, was carried in the affirmative, and the same Senator thereupon proposed an amendment therein, which was adopted, and the bill again passed to be engrossed. Domestic animals, diseases among,

Sent down for concurrence.

Papers from the House.

The annual report of the Harbor Commissioners was referred, in concurrence, to the committee on Harbors. Harbor commissioners.

A resolve in favor of Abby A. Dike was read, and referred to the committee on the Treasury. Abby A. Dike.

Bills, Bills.

To provide a further supply of water for the city of New Bedford (on the petition of the Mayor of said city); and

In relation to the returns of railroad corporations (on the annual report of the Railroad Commissioners), were severally read, and ordered to a second reading.

A report of the committee on Printing, that the order relative to printing certain extra copies of the report of the Commissioners on Inland Fisheries ought not to be adopted, was read, and placed in the orders of the day for to-morrow. Commissioners on inland fisheries.

Ordered, In concurrence, that the committee on Education consider the expediency of so amending section 2 of chapter 47 of the Acts of 1876 as to provide that school-books may be changed by a vote of two-thirds of the school committee present, instead of by two-thirds of the whole school committee, as now required by law. School-books.

Also, that the committee on Railroads consider whether any further legislation is necessary to enable railroad police to act upon roads leased or used by the railroad company upon whose petition they are appointed. Railroad police.

Certain copies of contracts between the Commonwealth and the Boston and Albany Railroad Company and the city of Boston, and all correspondence relating thereto, was referred, in concurrence, to the committee on Public Lands. Contracts between the State and the Boston and Albany Railroad Company, &c.

A petition of L. E. Lane and others, for amendment of the game-laws, was referred to the committee on Agriculture. L. E. Lane et als.

A petition of Egbert Hollister and others, in aid of that of the Boston and Poughkeepsie Railroad Company, was referred to the committee on Railroads. Boston and Poughkeepsie Railroad Company.

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Manufacturing establishments.

A remonstrance of Michael McDermott and others, against a repeal of the law relating to the employment of women in manufacturing establishments, was referred to the joint special committee on Labor.

Silas Mosman et als.

A petition of J. W. Cumback and others, in aid of that of Silas Mosman and others, was referred to the committee on Mercantile Affairs.

Middlesex County commissioners.

A petition of the Middlesex County Commissioners, asking for the abolition of the Middlesex House of Correction for Women, was referred to the committee on Prisons.

Fourth Congregational Precinct in Rochester.

A petition of the Fourth Congregational Precinct in Rochester, for a change of name, was referred to the committee on Parishes and Religious Societies.

C. R. Ford et als.

Remonstrances of,

John H. Simmons and others, and

William H. Tucker and others, severally against the petition of C. R. Ford and others; and

Samuel Butler et als.

A remonstrance of Samuel Osborne, Jr., and others, against the petition of Samuel Butler and others, were referred to the committee on Towns.

Woman suffrage.

Petitions of,

Rebecca Carroll and others,

A. M. Lougee and others, and

Sarah C. Blaney and others, severally that the right of suffrage may be granted to women, were referred to the joint special committee on that subject.

Severally in concurrence.

Bills.

The orders of the day were taken up; and the bills,

To amend section 47 of chapter 178 of the General Statutes, relating to jails and houses of correction; and

To authorize cities and towns to furnish pupils in the public schools with stationery, were severally read a second time, and ordered to a third reading.

Street railways.

The bill to amend section 2 of chapter 29 of the Acts of the year 1874, relating to street railroads, was, in accordance with the report of the committee thereon, rejected.

Reports.

The House reports,

On the petition of Liverus Hull and others; and on

The order relative to retrenchment in expenses of advertising committee hearings, were severally accepted in concurrence.

Chelsea bridge.

The bill concerning the maintenance of Chelsea Bridge was read a second time.

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Mr. Burrage proposed a substitute therefor; and the bill was passed over, and the substitute was ordered to be printed. Chelsea Bridge.

An engrossed bill concerning the sewage of the State Prison in the town of Concord (which originated in the House) passed to be enacted. State Prison at Concord.

Adjourned.

WEDNESDAY, February 13, 1878.

Met according to adjournment.

The journal of yesterday was read.

The act concerning the sewage of the State Prison in the town of Concord was laid before the governor for his approval. State Prison at Concord.

Mr. Brown, from the committee on the Judiciary, on the bills,

In addition to an Act to establish a free bridge across the Connecticut River, between Springfield and West Springfield; Connecticut River.

To permit the continuance of civil process before trial justices by justices of the peace; and Civil process.

Mr. White of Plymouth, from the same committee, on the bills,

To confirm certain acts done by Harvey Kirkland as a justice of the peace; Harvey Kirkland.

To confirm certain acts done by Henry E. Taintor of Hartford, in the State of Connecticut, as Commissioner for Massachusetts, severally reported that the same ought to pass; and they were ordered to a second reading. Henry E. Taintor.

Mr. Brown, from said committee, on the petition of the county commissioners of Franklin County, reported Sunderland bridge.

A bill to enable the county commissioners of Franklin County to borrow money on account of the Sunderland Bridge; and the same was read, and ordered to a second reading.

Mr. Rogers, from the committee on the Fisheries, reported the bill to amend chapter 190 of the Acts of the year 1872, relating to the alewife and other fisheries in the towns of Bridgewater, West Bridgewater, East Bridgewater, and Halifax; and Alewife fisheries.

Mr. Adams from the committee on the Treasury, the Abby A. Dike.

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Abby A. Dike. resolve in favor of Abby A. Dike, severally without amendment; and they were ordered to a second reading.

J. E. Torrey et als. Mr. Rogers, from the committee on the Fisheries, on the petition of J. E. Torrey and others, reported that the petitioners have leave to withdraw; and the report was read, and placed in the orders of the day for to-morrow.

International Wharf and Dock Company. Mr. Sherman, from the committee on Mercantile Affairs, on the petition of Albert Bowker and others, reported

A bill to incorporate the International Wharf and Dock Company in East Boston; and the same was read, and ordered to a second reading.

Dangerous buildings. Mr. Merriam, on leave, introduced a bill for the protection of the public against unsafe and dangerous buildings; and the same was read, and referred to the committee on the Judiciary.

On motion of Mr. Lynde, —

Agricultural societies. *Ordered*, That the committee on Agriculture consider the expediency of withholding the payment of State bounty to any agricultural society which shall bestow any premium or gratuity on trials of the speed of horses.

Constitution. Mr. Swett presented a petition of Joseph K. Jennis and others; and

Ibid. Mr. Lynde, a petition of Emmons Twichell and others, severally for amendment of the Constitution, providing for biennial sessions of the General Court and biennial elections of State officers.

Referred to the committee on Constitutional Amendments.

C. H. Read et als. Mr. Gilbert presented a petition of B. F. Davis and others in aid of that of C. H. Read and others.

Referred to the committee on Taxation.

Severally sent down for concurrence.

Came up concurred.

Papers from the House.

Medford and Malden. A bill to amend section 1 of chapter 139 of the Acts of the year 1877, concerning the boundary-line, in part, between the towns of Medford and Malden (in a new draft); and

South Malden Congregational Society. A bill to confirm the change of name of the South Malden Congregational Society, and the doings of, and conveyances to and by, the Everett Congregational Society (on the petition of the first-named society) were read, and ordered to a second reading.

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Ordered, In concurrence, that the committee on the Liquor Law inquire into the expediency of repealing the present liquor law, and substituting therefor an act, with certain provisions, whereby the seller and also the owner of the premises occupied by the seller, as well as the drinker, shall be held equally responsible for all damages and crimes proved against said drinker, as resulting from the traffic of said seller in intoxicating liquors. Liquor law.

A statement of the sums expended by the Commonwealth in connection with the project of the Cape Cod Ship Canal was referred to the committee on Harbors. Cape Cod Ship Canal.

A petition of Capt. Charles O'Hare, for re-imbursement for loss in military property of Company C, 8th Regiment, M. V. M., by fire in the town of Marblehead, was referred to the committee on Claims. Charles O'Hare.

A petition of George E. Mitchell and others, for legislation to regulate the sale of oleomargarine, was referred to the committee on Mercantile Affairs. George E. Mitchell.

Petitions of
Ansel D. King and others; and
Hiram P. Clark and others, severally in aid of that of the Boston and Poughkeepsie Railroad Company, were referred to the committee on Railroads. Poughkeepsie Railroad Company.

A petition of S. A. Dean and others, for the passage of a law requiring the use of broad-rimmed wheels upon loaded vehicles, was referred to the committee on Roads and Bridges. S. A. Dean et als.

A petition of C. C. Bixby and others, non-residents, in aid of, and
Remonstrances of
Joseph T. Pease and others; and
Asa R. Gifford and others, severally against the petition of Samuel Butler and others, were referred to the committee on Towns. Samuel Butler et als.

Petitions of
Samuel Cole and others; and
David L. Fuller and others, severally in favor of a more stringent law in relation to dogs; and
Remonstrances of
George Delano and others; and
H. J. Ashley and others, severally against any increase of the fee for licenses upon dogs, were referred to the committee on Agriculture. Dogs. Ibid.

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Woman Suffrage.

A petition of C. Lovell and others, that the right of suffrage may be granted to women, was referred to the joint special committee on that subject.

Severally in concurrence.

Old South Association.

The resolve in favor of the Old South Association in Boston; and

The petitions of J. H. Seelye and others, and A. C. Mayhew and others, severally in aid of the passage thereof, came from the House, and that branch *insists* on its reference thereof to the committee on Federal Relations; and the Senate *receded* from its vote of reference of the same to the committee on Expenditures, and concurred in the action of the House.

Bills.

The orders of the day were taken up; and the bills,

To amend section 6 of chapter 293 of the Acts of the year 1870, to incorporate the town of Mashpee;

Relating to replevin bonds;

To enable the Bristol County Agricultural Society to obtain its state bounty;

Relating to the venue of actions before district, municipal, and police courts;

To extend the time for commencing and completing the Cape Cod Ship Canal, and to reduce the capital stock of the company;

Concerning the distribution of the Ministerial Fund in the town of Lanesborough;

Making appropriations for the expenses of the State Almshouse, the State Workhouse, the State Prisons, the State Primary School, the State Reform School for Boys, the State Industrial School for Girls, and for other purposes, were severally read a second time, and ordered to a third reading.

Railroad corporations.

The bill in relation to the returns of railroad corporations was laid on the table.

New Bedford.

The bill to provide a further supply of water for the city of New Bedford was read a second time. Mr. Beal proposed an amendment to the bill, whereupon it was laid on the table, and the amendment ordered to be printed.

Inland fisheries.

The report on the order relative to printing extra copies of the report of the Commissioners on Inland Fisheries was accepted in concurrence.

Jails and houses of correction.

The Senate bill to amend section 47 of chapter 178 of the General Statutes, relating to jails and houses of correction, was read a third time, amended in the title by

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substituting therefor the following: "Relating to the conduct of the inmates of the Reformatory Prison for Women at Sherborn," and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

The Senate bill to authorize cities and towns to furnish pupils in the public schools with stationery was read a third time, and passed to be engrossed. Public schools.

Sent down for concurrence.

Came up concurred.

The bill concerning the maintenance of Chelsea Bridge was further considered, the question being on the adoption of the substitute proposed therefor by Mr. Burrage; and the question was taken by yeas and nays, as follows, to wit: — Chelsea Bridge.

YEAS. — Messrs.	Burrage,	Coffin,	Day,
	Flatley,	Gogin,	White, Jas. — 6.
NAYS. — Messrs.	Abbott,	Adams,	Barton,
	Beal,	Bishop,	Breed,
	Brown,	Canfield,	Cate,
	Davol,	Gardner,	Gregory,
	Hayes,	Hill,	Holmes,
	Knowlton, H. M.	Knowlton, Wm.	Lynde,
	Merriam,	Palmer,	Rogers,
	Saunders,	Sherman,	Swett,
	Truell,	White, Jonathan,	Winn. — 27.

So the substitute was rejected, and the bill was ordered to a third reading.

An engrossed bill to provide for the payment in gold coin of the interest and principal of Massachusetts scrip or bonds (which originated in the House), passed to be enacted, and was laid before the governor for his approval. Massachusetts scrip or bonds.

Adjourned.

THURSDAY, February 14, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. White of Plymouth, from the committee on the returns of votes for Senators, to whom was referred the petition of F. W. Clapp, reported that the petitioner have leave to withdraw; and the report was read, and laid on the table. F. W. Clapp.

Mr. Merriam, from the committee on the Judiciary, re- Buildings.

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ported the bill for the protection of the public against unsafe and dangerous buildings in cities, without amendment; and the same was ordered to a second reading.

Truro. Mr. Hayes, from the committee on Towns, on the petition of the selectmen of Truro, reported that the petitioners have leave to withdraw.

Mr. Adams, from the committee on Expenditures, on the order relative to limiting expenditures in State offices and institutions to the amount of appropriation, reported that it is inexpedient to legislate thereon; and these reports were severally read, and placed in the orders of the day for to-morrow.

George T. Bigelow et als. Mr. Palmer presented a petition of G. Washington Warren and others, in aid of that of George T. Bigelow and others.

Referred to the committee on Taxation.

Dogs. Mr. Lynde, on leave, introduced a bill relating to the restraining of dogs; and the same was read, and referred to the committee on Agriculture.

Severally sent down for concurrence.

Came up concurred.

Papers from the House.

Appropriations. A bill making appropriations for certain educational expenses; and

County taxes. A resolve granting county taxes, were severally read, and referred to the committee on the Treasury.

A bill relating to the appointment of city physicians in certain cities of the Commonwealth (in a new draft) was read, and ordered to a second reading.

Commonwealth's flats, contracts for filling. Reports that it is inexpedient to legislate,

Of the committee on Printing, on the order relative to printing certain copies of contracts relative to Commonwealth's flats at South Boston;

Interest on debts due the Commonwealth by cities and towns. Of the committee on Expenditures, on the orders relative to reducing the rate of interest on notes and bonds of the Commonwealth against cities and towns, were severally read and placed in the orders of the day for to-morrow.

Truancy. *Ordered*, In concurrence, that the committee on Education consider whether any further legislation is necessary for the prevention of truancy, and for securing attendance of children at school.

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A petition of the selectmen of Windsor, that the vote by which that town re-established the school districts therein may be legalized, was referred to the committee on Education. Windsor.

A petition of the mayor and aldermen of Springfield, for re-imbursement of money paid as armory rent, was referred to the committee on Claims. Springfield.

A petition of C. C. Merritt and others, for a reduction of the tax upon the owners of dogs; and Dogs.

A remonstrance of Jerome Marble, against any change in the law concerning dogs, were referred to the committee on Agriculture. Ibid.

Petitions of Old South Society.
Philander Washburn and others,
James F. Fish and others, and
L. Whitney, jun., and others, severally for a grant in aid of the Old South Society, were referred to the committee on Federal Relations.

A petition of the city of Worcester, for authority to take water from Tatnuck Brook, was referred to the committee on Water Supply and Drainage. Worcester.

Petitions of E. H. Lathrop et als.
E. H. Lathrop and others, and
J. J. Shepardson and others, severally that a part of the town of West Springfield may be annexed to the city of Springfield, were referred to the committee on Towns.

A petition of John Timon and others, for the passage of a law prohibiting the leasing of convict labor; and John Timon et als.

Remonstrances of Hours of labor.
A. E. Carr and 98 others, and
Jennie Nelson and others, severally against the repeal of the law relative to hours of labor in manufacturing establishments, were severally referred to the committee on Labor.

A petition of William T. Davis and others, for an appropriation to complete the national monument to the forefathers of the Commonwealth, now being erected in Plymouth, came up referred to the committee on Expenditures; and the Senate *non-concurred* in said reference, and committed the same to the committee on Federal Relations. William T. Davis et als.

Sent down for concurrence.

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Remonetization of silver.

The Senate resolutions concerning the remonetization of silver came up concurred with certain amendments.

Mr. Palmer proposed certain amendments to the same, pending the consideration of which, the whole subject was recommitted to the committee on Federal Relations.

Sent down for concurrence.

Came up concurred.

Bills.

The orders of the day were taken up; and the bills,—

To enable the County Commissioners of Franklin County to borrow money on account of the Sunderland Bridge;

To permit the continuance of civil process before trial justices by justices of the peace;

To amend chapter 190 of the Acts of the year 1872, relating to the alewife and other fisheries in the towns of Bridgewater, West Bridgewater, East Bridgewater, and Halifax;

To incorporate the International Wharf and Dock Company in East Boston;

To confirm certain acts done by Harvey Kirkland as a justice of the peace;

To confirm certain acts done by Henry E. Taintor of Hartford in the State of Connecticut as Commissioner for Massachusetts;

To amend section 1 of chapter 139 of Acts of the year 1877, concerning the boundary-line, in part, between the towns of Medford and Malden;

To confirm the change of name of the South Malden Congregational Society, and the doings of, and conveyances to and by, the Everett Congregational Society;

In addition to an Act to establish a free bridge across the Connecticut River, between Springfield and West Springfield; and

Abby A. Dike.

The resolve in favor of Abby A. Dike, were severally read a second time, and ordered to a third reading.

Mashpee.

The Senate bill to amend section 6 of chapter 293 of the Acts of the year 1870 to incorporate the town of Mashpee was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

The Senate bill to enable the Bristol County Agricul-

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tural Society to obtain its State bounty was read a third time, and passed to be engrossed. Bristol County Agricultural Society.

Sent down for concurrence.

Came up concurred.

The Senate bill to extend the time for commencing and completing the Cape Cod Ship Canal, and to reduce the capital stock of the company, was read a third time, and passed to be engrossed. Cape Cod Ship Canal.

Sent down for concurrence.

Came up concurred.

The Senate bill concerning the distribution of the Ministerial Fund in the town of Lanesborough was read a third time, and passed to be engrossed. Lanesborough.

Sent down for concurrence.

Came up concurred.

The Senate bill concerning the maintenance of Chelsea Bridge was read a third time, and passed to be engrossed. Chelsea Bridge.

Sent down for concurrence.

Came up concurred.

Replevin bonds.

The Senate bill relating to replevin bonds was read a third time, and passed to be engrossed.

Sent down for concurrence.

The bill making appropriations for the expenses of the State Almshouse, the State Workhouse, the State Prisons, the State Primary School, the State Reform School for Boys, the State Industrial School for Girls, and for other purposes, was passed over. Appropriations.

The bill to provide a further supply of water for the city of New Bedford was laid on the table. New Bedford.

The report on the petition of J. E. Torrey and others was accepted. J. E. Torrey et als.

Sent down for concurrence.

Came up concurred.

The bill relating to the venue of actions before district, municipal, and police courts was passed over. Venue of actions.

An engrossed bill in relation to certain fire-insurance companies of other States (which originated in the Senate) passed to be enacted, and was laid before the Governor for his approval. Fire-insurance companies.

Adjourned.

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FRIDAY, February 15, 1878.

Met according to adjournment.

The journal of yesterday was read.

Sewer and sidewalk assessments.

Mr. Merriam, from the committee on the Judiciary, on the bill relating to the apportionment of sewer and sidewalk assessments, reported the same in a new draft; and it was read, and ordered to a second reading.

County of Essex.

Mr. White of Plymouth, from the committee on Probate and Chancery, reported the bill to authorize the appointment of an additional master in chancery for the County of Essex, without amendment; and the same was ordered to a second reading.

Measurement of lumber.

Mr. Truell, from the committee on Mercantile Affairs, on the order relative to amendment of the laws regulating the measurement of lumber, reported

A bill to amend chapter 49 of the General Statutes in relation to the inspection and survey of lumber, ornamental wood, and ship timber; and the same was read, and ordered to a second reading.

Children.

Mr. Gardner, on leave, introduced a bill in addition to an Act "for the better protection of neglected and destitute children;" and the same was read, and referred to the committee on Probate and Chancery.

Trees.

Mr. Gregory, on leave, introduced a bill concerning the planting of trees, and the tax thereon; and the same was read, and referred to the committee on Agriculture.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Palmer, —

History of the State.

Ordered, That the committee on the Library be requested to consider the matter of a new, elaborate, and detailed history of the State.

Sent down for concurrence.

Came up concurred.

Boston, Hoosac Tunnel, and Western Railroad.

Mr. Winn presented a petition of the Boston, Hoosac Tunnel, and Western Railroad in relation to a connection with the Troy and Greenfield Railroad in the State of Vermont.

Referred to the committee on the Hoosac Tunnel and Troy and Greenfield Railroad.

Woman suffrage.

Mr. Hill presented petitions of James Smith and others, and Mrs. Maria B. Russell and others, severally that

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women having property in their own right shall have the right of suffrage.

Referred to the committee on Woman Suffrage.

Mr. Swett presented a petition of Mrs. M. Longley and others in relation to the same subject; and the same was referred to said committee. Ibid.

Sent down for concurrence.

Came up concurred.

The report on the petition of F. W. Clapp was taken from the table, whereupon Mr. Ewing presented a minority report of the committee in relation to the subject; and the report was ordered to be placed in the orders of the day for Tuesday next; and the minority report was ordered to be printed. F. W. Clapp.

Papers from the House.

Bills, Bills.

To prescribe the method of electing boards of health in towns, (on an order in relation to the subject);

To incorporate the Lee Water Company (on the petition of William Taylor and others), were severally read, and ordered a second reading.

A resolve concerning the highway near the State camp-ground at South Framingham was read, and referred, in concurrence, to the committee on Military Affairs. Camp-ground at South Framingham.

Reports of the committee on Harbors, that it is inexpedient to legislate, —

On the order relative to the construction of the Cape Cod Ship Canal under the supervision of the Commonwealth; and Cape Cod Ship Canal.

On the order relative to applying to Congress for aid in constructing said canal; and Ibid.

A report of the committee on Claims, granting leave to withdraw, on the petition of David Pulsifer, were severally read, and placed in the orders of the day for to-morrow. David Pulsifer.

Ordered, In concurrence, that the Committee on Education consider the expediency of amending chapter 285 of the Acts of the year 1867, so as to make it a condition that young persons under the age of thirteen years shall not be employed in manufacturing establishments without having previously acquired a certain amount of education, say, ability to read a passage in some elementary book, and to write name, age, and place of residence. Children employed in manufacturing establishments.

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C. P. Hewitt et als. A petition of C. P. Hewitt, and others for more stringent legislation respecting dogs, was referred to the committee on Agriculture.

Silas P. Pells et als. A petition of Silas P. Pells and others, for legislation to regulate the eel fishery in the town of Mashpee, was referred to the committee on the Fisheries.

C. E. Williams et als. A petition of Charles E. Williams and others, for legislation in relation to convict labor, was referred to the committee on Labor.

Boston and Poughkeepsie Railroad Company. Petitions of
D. Dalzell and Sons and others;
Beardsley and Phelps and others; and
S. B. Dewey and others, severally in aid of that of the Boston and Poughkeepsie Railroad Company, were referred to the committee on Railroads.

Newbury. A petition of the town of Newbury, that the County Commissioners of Essex County may be authorized to indemnify said town for expenses incurred in rebuilding a certain bridge, was referred to the committee on Roads and Bridges.

Mary F. Knowles. A petition of Mary F. Knowles and others, for an act of incorporation as the Brewster Ladies' Library Association, was referred to the committee on Mercantile Affairs.

Old South Meeting-House. Petitions of
George W. Ware and others;
Paul A. Chadbourne and others;
Charles B. Rice and others;
John W. Wheeler and others; and
William D. Peck and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal Relations.

Severally in concurrence.

City Physicians. The orders of the day were taken up; and the bill relating to the appointment of city physicians in certain cities of the Commonwealth was read a second time, and ordered to a third reading.

Sunderland Bridge. The Senate bill to enable the county commissioners of Franklin County to borrow money on account of the Sunderland Bridge was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Civil process. The Senate bill to permit the continuance of civil

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process before trial justices, by justices of the peace, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Alewife and other fisheries.

The Senate bill to amend chapter 190 of the Acts of the year 1872, relating to the alewife and other fisheries in the towns of Bridgewater, West Bridgewater, East Bridgewater, and Halifax, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

International Wharf and Dock Company.

The Senate bill to incorporate the International Wharf and Dock Company in East Boston was read a third time, and passed to be engrossed.

Sent down for concurrence.

Bills.

The House bills,

To confirm certain acts done by Harvey Kirkland as a justice of the peace;

To confirm certain acts done by Henry E. Taintor of Hartford, in the State of Connecticut, as Commissioner for Massachusetts;

To amend section 1 of chapter 139 of the Acts of the year 1877, concerning the boundary-line, in part, between the towns of Medford and Malden;

To confirm the change of name of the South Malden Congregational Society, and the doings of, and conveyances to and by, the Everett Congregational Society;

In addition to an Act to establish a free bridge across the Connecticut River, between Springfield and West Springfield, were severally read a third time, and passed to be engrossed in concurrence.

Abby A. Dike.

The resolve in favor of Abby A. Dike was read a third time; and the committee on Bills in the Third Reading, having reported the same in a new draft, the resolve was read, and ordered to a second reading.

Venue of actions.

The bill relating to the venue of actions before district, municipal, and police courts, was further considered; and an amendment being proposed therein by the committee on Bills in the Third Reading, the same was adopted, and the bill passed to be engrossed.

Sent down for concurrence.

Appropriations.

The bill making appropriations for the expenses of the State Almshouse, the State Workhouse, the State Prisons, the State Primary School, the State Reform School for

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Boys, the State Industrial School for Girls, and the State Detective Force, and for other purposes, was ordered to be engrossed in concurrence.

Unsafe buildings. The bill for the protection of the public against unsafe and dangerous buildings in cities; and

Notes of cities and towns, interest on. The report on the order relative to reducing the rate of interest on debts due by cities and towns to the Commonwealth, were severally passed over.

The Senate reports,

State institutions. On the order relative to limiting expenditures in State offices and institutions to the amount appropriated; and

Truro. On the petition of the selectmen of Truro, were severally accepted.

Sent down for concurrence.

Came up concurred.

Commonwealth's flats at South Boston. The House report on the order relative to printing copies of contracts made respecting the Commonwealth's flats at South Boston was accepted in concurrence.

Franklin County law library. An engrossed bill to provide moneys for the law library of Franklin County (which originated in the Senate) passed to be enacted, and was laid before the Governor for his approval.

Adjournment. On motion, it was ordered that when the Senate adjourns, it be to meet on Monday next at two o'clock, P.M.

Adjourned.

MONDAY, February 18, 1878.

Met according to adjournment.

The journal of Friday was read.

State prison. Mr. Flatley, from the committee on Prisons, on an order relative to furnishing the convicts of the State prison with tobacco, reported that it is inexpedient to legislate thereon; and the report was read, and placed in the orders of the day for to-morrow.

Collection of the price of goods, &c. Mr. Truell, on leave, introduced a bill to amend chapter 153 of the Acts of the year 1875, authorizing the collection of the price of goods, wares, or merchandise, when sold in good faith; and the same was read, and referred to the committee on Mercantile Affairs.

Sent down for concurrence.

Came up concurred.

Mr. Burrage presented a petition of Joseph F. Paul and

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Sons and others for a modification of the law relative to the re-survey of lumber. Re-survey of lumber.

Referred to the committee on Mercantile Affairs.

Mr. Coffin presented a petition of the Massachusetts Game Protective Association in relation to taking bass during the close season. Massachusetts Game Protective Association.

Referred to the committee on the Fisheries.

Mr. Lynde presented a remonstrance of Mandly Pierce and others against any increase of tax on dogs. Dogs.

Referred to the committee on Agriculture.

Mr. Beal presented a petition of the Old Colony Railroad Company for authority to purchase the Duxbury and Cohasset Railroad, and for other purposes. Old Colony Railroad Company.

Referred to the committee on Towns.

Severally sent down for concurrence.

Came up concurred.

Papers from the House.

Bills, Bills.

To authorize the Pierce Academy in the town of Middleborough to hold additional real and personal estate (on the petition of the same);

To incorporate the Third Congregational Church in Chelsea (on the petition of Jacob Pratt and others), were severally read and ordered to a second reading.

A report of the committee on Claims, granting leave to withdraw, on the petition of Mrs. Eliza C. Capen, was read, and placed in the orders of the day for to-morrow. Eliza C. Capen.

Ordered, In concurrence, that the committee on the Fisheries inquire whether any further legislation is expedient in reference to the taking of black bass or other fish at seasons prohibited by law. Black Bass.

Also, That said committee be requested to consider whether any legislation is necessary to protect the rights of owners or lessees in the fisheries of private ponds. Fisheries of private ponds.

Also, That the committee on Railroads consider the expediency of providing by law for the annual election by the legislature of directors, on behalf of the Commonwealth, of the New York and New England Railroad Company. New-York and New-England Railroad Company.

Also, That the committee on Public Charitable Institutions consider the expediency of removing all or any of the inmates belonging in the eastern part of the State, now in the State Lunatic Hospitals at Worcester, Taun- Inmates of lunatic hospitals.

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ton, and Northampton, to the State Lunatic Hospital at Danvers.

State aid. Also, That the committee on Military Affairs consider whether any amendment is expedient in that part of section 1 of chapter 192 of the Acts of 1877, which limits the payment of State aid to the widows of discharged soldiers, married prior to their final discharge, and to the children of said soldiers born prior to their discharge.

Disabled soldiers' employment bureau A resolve in favor of the disabled soldiers' employment bureau was read, and referred in concurrence to the committee on Military Affairs.

Samuel Butler et als. Petitions of
Benjamin H. Waite and others,
T. T. Baxter and others,
T. S. Wilson and others,
I. W. Norton and others,
Henry Bradley and others,
J. D. Richards and others, severally in aid of that of Samuel Butler and others, were referred to the committee on Towns.

Boston and Poughkeepsie Railroad Company. Petitions of
Edwin Adams and others;
S. W. Wright and others; and
Nehemiah Palmer and others, severally in aid of that of the Boston and Poughkeepsie Railroad Company, were referred to the committee on Railroads.

Geo. T. Bigelow et als. A petition of E. W. Bond and others, in aid of that of George T. Bigelow and others, was referred to the committee on Taxation.

Newburyport Mutual Fire Insurance Company. A petition of the Newburyport Mutual Fire Insurance Company, for extension of charter, was referred to the committee on Insurance.

Re-survey of lumber. A petition of A. G. Baxter and others, for a modification of the law relative to the re-survey of lumber, was referred to the committee on Mercantile Affairs.

William H. Nelson et als. A petition of William H. Nelson and others for a law regulating the taking of perch in the waters of the Commonwealth; and

R. L. Mason et als. A petition of R. L. Mason and others for amendment of the law to regulate the taking of trout, were referred to the committee on the Fisheries.

D. Evans et als. A petition of D. Evans and others, for the revival of

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the charter of the Attleborough Bank for certain purposes, was referred to the committee on Banks and Banking.

Old South Meeting-House.

Petitions of
John Winship and others,
William Holbrook and others, and
John L. Taylor and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal Relations.

Severally in concurrence.

Bills.

The orders of the day were taken up; and the bills,
To authorize the appointment of an additional master in chancery for the County of Essex;
Relating to the apportionment of sewer and sidewalk assessments;
To amend chapter 49 of the General Statutes in relation to the inspection and survey of lumber, ornamental wood, and ship timber;
To incorporate the Lee Water Company;
To prescribe the method of electing boards of health in towns; and
The resolve in favor of Abby A. Dike, were severally read a second time, and ordered to a third reading.

Abby A. Dike.

Reports.

The House reports
On the order relative to applying to Congress for aid in constructing the Cape Cod Ship Canal; and
On the order relative to the construction of the Cape Cod Ship Canal under the supervision of the Commonwealth;
On the petition of David Pulsifer, were severally accepted in concurrence.

City physicians.

The House bill relating to the appointment of city physicians in certain cities of the Commonwealth was read a third time, and passed to be engrossed in concurrence.

Unsafe buildings.

The bill for the protection of the public against unsafe and dangerous buildings in cities was ordered to a third reading.

Interest on debts due the Commonwealth by cities and towns.

The report on the orders relating to the reduction of interest on debts due by cities and towns to the Commonwealth was accepted in concurrence.

Adjourned.

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TUESDAY, February 19, 1878.

Met according to adjournment.

The journal of yesterday was read.

Remonetization of silver.

Mr. Russell from the committee on Federal Relations, to whom was referred the resolution relative to concurrent action by the governments of the United States, Great Britain, and France, concerning the remonetization of silver;

Ibid.

And to whom were re-committed the resolutions concerning the remonetization of silver, reported, recommending that the further consideration thereof be indefinitely postponed; and these reports were severally read, and placed in the orders of the day for to-morrow.

Damages to land.

Mr. Merriam, from the committee on the Judiciary, on the bill extending time of petition in cases dismissed by a court for want of jurisdiction, reported the same in a new draft, under the title of "Bill extending the time for application to County Commissioners to estimate damages to land in certain cases dismissed for want of such estimate;" and it was read, and ordered to a second reading.

Timothy Murphy.

Mr. White of Suffolk, from the committee on Claims, on the petition of Timothy Murphy, reported

A resolve in favor of Timothy Murphy; and the same was read, and referred to the committee on the Treasury.

Tobacco to inmates of public institutions.

Mr. Lynde, on leave, introduced a bill to prohibit tobacco from being furnished to the inmates of the State Almshouse and Workhouse at the expense of the State; and the same was read, and referred to the committee on Public Charitable Institutions.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Merriam,—

Costs in civil and criminal cases.

Ordered, That the committee on the Judiciary consider the expediency of revising the laws relating to costs in civil and criminal cases before district and police courts and trial justices, with a view to securing greater uniformity, equality, and certainty in the amounts to be charged and allowed.

On motion of Mr. Russell,—

Public documents.

Ordered, That the committee on Printing consider the expediency of making further provision for supplying all reporters for the public press with the proceedings of the legislature, with copies of all public documents or docu-

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ments printed for the use of either branch of the legislature.

Sent down for concurrence.

Came up concurred.

Mr. Russell presented petitions of David Cushing and others;

Charles M. Saunders and others;

Wendell Bancroft and others;

John R. Ames and others; and

Charles A. Sheperd and others, severally for a modification of the laws concerning the re-survey of lumber. Re-survey of lumber.

Severally referred to the committee on Mercantile Affairs.

Mr. Merriam presented a petition of Mrs. Charlotte A. Pierce and others that the right of suffrage may be granted to women owning property. Woman suffrage.

Referred to the committee on Woman Suffrage.

Severally sent down for concurrence.

Came up concurred.

Mr. Brown presented a remonstrance of Harrison Garfield and others against the establishment of a district court for Southern Berkshire. District court for Southern Berkshire.

Referred to the committee on the Judiciary.

Papers from the House.

A report of the committee on Taxation, that it is inexpedient to legislate on the order relative to a repeal of the laws authorizing a discount on taxes paid at the time required; and Discount on taxes.

A report of the committee on Agriculture, granting leave to withdraw on the petition of Nahum Fisher and others, were severally read, and placed in the orders of the day for to-morrow. Nahum Fisher et als.

A bill to amend section 1 of chapter 59 of the Acts of the year 1867, concerning the protection of camp-meetings, was read, and referred to the committee on Parishes and Religious Societies. Camp-meetings.

A bill to amend chapter 183 of the Acts of the year 1862, being an Act in relation to the collection of taxes, was read, and referred to the joint special committee on Taxation. Collection of taxes.

Severally in concurrence.

A resolve in favor of the Massachusetts School for

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Massachusetts School for Idiotic and Feeble-Minded Youth.

Idiotic and Feeble-Minded Youth was read and referred, in concurrence, to the Committee on Public Charitable Institutions.

Ibid.

Ordered, In concurrence, that the committee on Public Charitable Institutions inquire into the expediency of so amending chapter 44 of the resolves of the year 1851, and chapter 26 of the resolves of the year 1861, that trustees therein provided for shall be appointed by the Governor and Council for a definite term; or for providing for the fixing of terms of said appointments.

Insurance companies.

Also, That the committee on Insurance inquire into the expediency of amending chapter 141 of the Acts of the year 1873, relative to the taxation of insurance companies.

Hours of labor in manufacturing establishments.

A remonstrance of David Goggins and fifty-four others, against the repeal of the laws in relation to hours of labor in manufacturing corporations, was referred to the committee on Labor.

Liquor law.

A petition of Alfred P. Weston and others for a repeal of the present license law, and for the re-enactment of the prohibitory law, was referred to the committee on the Liquor Law.

Re-survey of lumber.

Petitions of
O. B. Smith and others;
William H. Leatherbee & Son, and others;
Shepard Hall & Co.; and
S. N. Breed & Co., and others, severally for a modification of the law respecting the re-survey of lumber, were referred to the committee on Mercantile Affairs.

Leonard Clark.

A petition of Leonard Clark for the passage of an act authorizing the re-organization of the Springfield, Athol, and North-Eastern Railroad Company, was referred to the committee on Railroads.

Geo. T. Bigelow et als.

A petition of Samuel G. Parker and others, in aid of that of George T. Bigelow and others, was referred to the committee on Taxation.

Buzzard's Bay.

A remonstrance of Galen Humphrey and others, against the passage of an act permitting seining in Buzzard's Bay above the line now established by law, was referred to the committee on the Fisheries.

Old South Meeting-House.

Petitions of
John A. Fitch and others;
Milton Bonney and others;

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Nathan Crosby and others; and
Eli R. Chase and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal Relations.

Severally in concurrence.

Pursuant to assignment, the two branches met in Convention,

Boston and Albany Railroad Company.

For the purpose of electing three directors, on the part of the Commonwealth, of the Boston and Albany Railroad Corporation.

And Messrs. Winn and Flatley of the Senate, and Messrs. Wentworth of Boston, Marsh of Quincy, Kelley of Chicopee, Hayden of Weymouth, and Hathaway of Fall River, were appointed a committee to collect, assort, and count the votes therefor.

And the votes having been collected, assorted, and counted, it appeared that Messrs. Joseph H. Chadwick of Boston, Thomas Talbot of Billerica, and Charles L. Wood of New Bedford, were elected.

And the two Branches separated.

On motion of Mr. Beal, —

Ibid.

Ordered, That the clerks of the two branches give notice to Messrs. Joseph H. Chadwick, Thomas Talbot, and Charles L. Wood, that they have been duly elected directors of the Boston and Albany Railroad, on the part of the Commonwealth, for the term of two years; also that they give notice to the clerk of said corporation of the election of the above-named gentlemen.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Flatley, —

West Boston and Craigie's bridges.

Ordered, That the committee on Roads and Bridges be requested to consider the expediency of releasing the city of Boston from maintaining any portion of the West Boston and Craigie's bridges outside of the boundary of said city.

On motion of Mr. Burrage, —

Police department of Boston.

Ordered, That the committee on the Judiciary consider the expediency of amending that portion of the charter of the city of Boston by which the administration of the police department is vested in the board of aldermen; and also the expediency of transferring to the police department, or the board appointed to have charge of

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the same, the powers now exercised by the commissioners appointed under the provisions of section 20, chapter 99, of the Acts of 1875.

David Aiken et als. Mr. Winn presented a petition of David Aiken and others for the establishment of a district court in Franklin County.

Referred to the committee on the Judiciary.

J. P. Ordway et als. Mr. Ewing presented a petition of J. P. Ordway and others for amendment of the game laws, so that the possession of any game shall be positive evidence to convict.

Referred to the committee on Agriculture.

Boston. Mr. Day presented a petition of the city of Boston for authority to abate a nuisance in the district of Charlestown.

Referred to the committee on Harbors.

Severally sent down for concurrence.

Came up concurred.

Bills. The orders of the day were taken up; and the bills,

To incorporate the Third Congregational Church in Chelsea;

To authorize the Pierce Academy in the town of Middleborough to hold additional real and personal estate, were severally read a second time, and ordered to a third reading.

Essex County. The Senate bill to authorize the appointment of an additional master in chancery for the county of Essex was read a third time, and passed to be engrossed.

Sent down for concurrence.

Sewer and sidewalk assessments. The Senate bill relating to the apportionment of sewer and sidewalk assessments was read a third time, and passed to be engrossed.

Sent down for concurrence.

Dangerous buildings. The Senate bill for the protection of the public against unsafe and dangerous buildings in cities was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Abby A. Dike. The Senate resolve in favor of Abby A. Dike was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Survey of lumber. The bill to amend chapter 49 of the General Statutes in

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relation to the inspection and survey of lumber, ornamental wood, and ship-timber, was passed over.

Bills.

The House bills.

To incorporate the Lee Water Company;

To prescribe the method of electing boards of health in towns, were severally read a third time, and passed to be engrossed in concurrence.

Tobacco to convicts of the state prison.

The Senate report on the order relative to the furnishing of tobacco to the convicts in the State Prison, at the expense of the State, was accepted.

Sent down for concurrence.

Came up concurred.

Eliza C. Capen.

The House report on the petition of Eliza C. Capen was accepted in concurrence.

F. W. Clapp.

The Senate report on the petition of F. W. Clapp was accepted.

Appropriations.

An engrossed bill (which originated in the House), making appropriations for the expenses of State Almshouse, the State Workhouse, the State Prisons, the State Primary School, the State Reform School for Boys, the State Industrial School for Girls, the State Detective Force, and for other purposes, passed to be enacted.

Adjourned.

WEDNESDAY, February 20, 1878.

Met according to adjournment.

The journal of yesterday was read.

On motion of Mr. Knowlton of Bristol,

Savings banks.

Ordered, That the committee on Banks and Banking consider whether any change is expedient in the law relating to the time at which deposits in savings banks shall begin to bear interest.

On motion of Mr. Holmes,

Ibid.

Ordered, That the committee on Banks and Banking examine and report whether any further legislation is expedient in regard to savings banks temporarily or permanently enjoined.

On motion of Mr. Cate,

Surgeon-general.

Ordered, That the committee on Military Affairs consider the expediency of abolishing the office of surgeon-general.

Severally sent down for concurrence.

Came up concurred.

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Appropriations. Mr. Adams, from the committee on the Treasury, reported the bill making appropriations for certain educational expenses, and

Timothy Murphy. The resolve in favor of Timothy Murphy, severally without amendment; and they were ordered to a second reading.

Marblehead. Mr. Rogers, from the committee on Harbors, on the petition of W. H. Coates and others, reported a bill to regulate the appointment of pilots for the port of Marblehead.

Newton. Mr. Bishop, from the committee on Water Supply and Drainage, on the petition of the city of Newton, reported a bill to authorize the city of Newton to establish grades for drainage and sewerage in said city; and these bills were severally read, and ordered to a second reading.

Medicine and surgery. Mr. Ropes, from the committee on Water Supply and Drainage, on the bill to regulate the practice of medicine and surgery in the State of Massachusetts, reported that said bill ought not to pass; and the same was placed in the orders of the day for to-morrow on the question of rejection.

Inspecter of gas and gas-meters. Mr. Knowlton of Worcester, from the committee on Mercantile Affairs, on the annual report of the Inspector of Gas and Gas Meters, reported that it is inexpedient to legislate thereon.

J. H. Hathorne. Mr. Hill, from the committee on Claims, on the petition of J. H. Hathorne; and

Samuel W. Winslow. Mr. Gilbert, from the committee on Railroads, on the petition of Samuel W. Winslow, severally reported that the petitioners have leave to withdraw; and these reports were severally read, and placed in the orders of the day for to-morrow.

Supreme judicial court. Mr. Knowlton, on leave, introduced a bill authorizing the Supreme Judicial Court to adjourn to, and hold special terms in, Fall River; and the same was read and referred to the committee on the Judiciary.

On motion of Mr. Lynde,

Hoosac Tunnel and Troy and Greenfield Railroad. *Ordered*, That the committee upon the Hoosac Tunnel and Troy and Greenfield Railroad consider the expediency of extending the Troy and Greenfield Railroad in a south-easterly direction through Deerfield, Sunderland, Amherst, Belchertown, Ware, and West Brookfield, to Southbridge, thereby connecting the New York and New

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England, the Boston and Albany, the proposed Massachusetts Central Railroads, and the various towns through which these railroads do now or hereafter may pass, with the Hoosac Tunnel and its connections, thereby, if it so may be, increasing the value of the present investments of the State in the Hoosac Tunnel, the Boston and Albany, and the New York and New England Railroads, and the South Boston flats.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Bishop,

Ordered, That the committee on the Judiciary consider whether legislation is necessary to amend section 6 of chapter 123 of the General Statutes relating to the venue of actions in which the city of Boston is a party, so that the provisions of said section shall include actions in which the city is a party in interest, although not a party to the record. Venue of actions.

On motion of Mr. Ely,

Ordered, That the committee on the Judiciary consider whether any legislation is necessary to protect the rights of the public in the great pond known as Massapoag Pond in the town of Sharon. Massapoag pond in Sharon.

Mr. Cogswell presented a petition of John W. Leatherbee and others, for a modification of the law relative to the re-survey of lumber. Re-survey of lumber.

Referred to the committee on Mercantile Affairs.

Mr. Holmes presented petitions of

Spencer Borden and others, and Spencer Borden et als.

E. C. Kilburn and others, severally for a change in the law relative to the taking of black bass.

Mr. White of Suffolk presented a petition of the Ashmere Reservoir Association, for regulations relative to fishing in said reservoir. Ashmere Reservoir Association.

Severally referred to the committee on the Fisheries.

Mr. Winn presented a petition of William Keith and others in relation to the establishment of a union passenger station at Greenfield. William Keith et als.

Referred to the committee on the Hoosac Tunnel and Troy and Greenfield Railroad.

Mr. Knowlton of Bristol presented a petition of Alanson Borden and others, for a change in the passenger sta- Alanson Borden et als.

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Alanson Borden et als. tions of the Boston, Clinton, New Bedford, and Fitchburg Railroad Company in New Bedford.

Also, petitions of Charles Almy,

A. G. Stanton and others, and

Ibid. Isaac C. Shuman and others, severally in aid of the same.

J. H. Currier. Also, petition of J. H. Currier for authority to build a narrow-gauge railroad from Sterling to Princeton; and

Mr. Abbott presented a petition of the Framingham and Lowell Railroad Company for authority to issue preferred stock.

Severally referred to the committee on Railroads.

R. B. Forbes et als. Mr. Ropes presented a petition of R. B. Forbes and others, for the establishment of schools for the training of seamen.

Also, petitions of F. C. Sanford and others,

David Wood and others, and

Ibid. Holmes W. Smith and others, severally in aid of the same.

Severally referred to the committee on Education.

Adelia T. Jones. Mr. Knowlton of Bristol presented a petition of Adelia T. Jones for State aid.

Referred to the committee on Claims.

Lowell. Mr. Abbott presented a petition of the city of Lowell for authority to discontinue a free landing-place in said city.

Referred to the committee on Roads and Bridges.

Severally sent down for concurrence.

Came up concurred.

Charlemont. Mr. Winn presented a petition of C. E. Cooley and another, selectmen of Charlemont, for a change in the law respecting damages caused by defects in highways.

Butchers' Slaughtering and Melting Association. Mr. Russell presented a petition of the Butchers' Slaughtering and Melting Association for authority to increase its capital stock, and for other purposes.

Mary A. Coburn et als. Mr. Swett presented a petition of Mary A. Coburn and others for the passage of a law for the protection of boarding-house keepers.

Severally referred to the committee on the Judiciary.

Papers from the House.

Brockton. A bill to supply the town of Brockton with pure water (on the petition of C. R. Ford and others); and

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A bill to amend section 7 of chapter 217 of the Acts of the year 1875, making the commissioners of the sinking-funds of the city of Taunton trustees of the water-loan sinking-fund (on the petition of the mayor of said city) were severally read, and ordered to a second reading. Taunton.

Reports that it is inexpedient to legislate,

Of the joint special committee on Constitutional Amendments, on the order relative to limiting the duration of the sessions of the Legislature; Sessions of the Legislature.

Of the committee on Prisons, on the list of pardons granted by the Governor and Council in the year 1877; and Pardons.

A report of the joint special committee on Constitutional Amendments, granting leave to withdraw, on the petition of Perry Newhall and others, were severally read, and placed in the orders of the day for to-morrow. Perry Newhall et als.

A bill to amend section 10 of chapter 375 of the Acts of the year 1872, relating to the organization of mutual fire-insurance companies (on the communication from the Insurance Commissioner), was read, and ordered to a second reading. Mutual fire-insurance companies.

An abstract of certificates of corporations organized under the general laws of Massachusetts was referred to the joint special committee on Taxation. Abstract of certificates of corporations.

A bill to amend chapter 166 of the General Statutes, relating to offences against the public health, was read, and referred to the committee on Water Supply and Drainage. Public health.

A petition of Francis W. Stebbins and others, that the bridge crossing the Connecticut River between Deerfield and Montague may be made free, was referred to the committee on Roads and Bridges. Francis W. Stebbins.

A petition of Isaac W. Read and others for amendment of the laws relative to the catching of menhaden in the waters of the Commonwealth; and Isaac W. Read et als.

A remonstrance of David H. Baker and others against granting the right of seining in Buzzard's Bay above the line now fixed by law, were referred to the committee on the Fisheries. Seining in Buzzard's Bay.

A petition of the Lawrence English section of the Socialistic Labor Party for amendment of the ten-hour law, so-called, was referred to the joint special committee on the Labor Question. Lawrence section of the Socialistic Labor Party.

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H. B. Emerson et als.

A petition of H. B. Emerson and others, for a law in relation to the inspection of lime and lime-casks, was referred to the committee on Mercantile Affairs.

Provincetown.

A petition of the selectmen of Provincetown, that persons may be prohibited from bringing liquors into towns for sale without license so to do, was referred to the committee on the Liquor Law.

Thomas P. Carleton.

A petition of Thomas P. Carleton, for a law prohibiting the running of railroad trains on Sunday, was referred to the committee on Railroads.

Old South Meeting-House.

Petitions of,
Job K. Anthony and others,
George W. Prescott and others,
Annie S. Higginson and others, and
C. P. Aldrich and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal Relations.

Woman suffrage.

Petitions of,
Clara Armstead and others,
Susie C. Vogl and others,
Joshua Nickerson and others,
Mrs. M. J. Pearson and others,
Hannah E. Stevenson and others, and
Dr. J. H. Carty and others, severally that the right of suffrage may be granted to woman, were referred to the joint special committee on Woman Suffrage.

Severally in concurrence.

Franklin W. Smith et als.

A petition of Franklin W. Smith and others, for an act of incorporation as the board of aid to Land Ownership, came up referred to the committee on Public Charitable Institutions; and the Senate non-concurred in the reference to said committee, and the same was referred to the committee on Agriculture.

Sent down for concurrence.

Use of weirs, seines, and nets.

Ordered, In concurrence, that the committee on the Fisheries consider the expediency of so amending the laws as to futher regulate the use of weirs, seines, and nets in the waters of Vineyard Sound.

Boston and Poughkeepsie Railroad Company.

Also, That the committee on Railroads consider the expediency of aiding the Boston and Poughkeepsie Railroad Company in the construction of its railroad, by the donation of the Commonwealth's stock in the New York and New England Railroad Company.

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Also, That the committee on Railroads consider the expediency of amending the laws relative to the selection of State Directors of the Boston and Albany Railroad Company. State Directors of Boston and Albany Railroad Company.

The orders of the day were taken up; and the bill extending the time for application to County Commissioners to estimate damages to land in certain cases, dismissed for want of such estimate, was read a second time, and ordered to a third reading. Land damages.

The report on the resolutions concerning the remonetization of silver was considered; and, the question being taken on the acceptance thereof, it was carried in the negative; and, the question then being on certain amendments proposed by Mr. Palmer to those proposed by the House to the resolutions, the vote was taken, and they were rejected; and the amendments proposed by the House were then adopted in concurrence. Silver.

The report on the resolution relative to concurrent action by the governments of the United States, Great Britain, and France, concerning the remonetization of silver, was amended and accepted, and the resolution accordingly indefinitely postponed. Ibid.

The House reports, Reports.
On the order relative to the repeal of the law authorizing a discount for the prompt payment of taxes; and
On the petition of Nahum Fisher, were severally accepted in concurrence.

The bill to incorporate the Third Congregational Church in Chelsea was indefinitely postponed. Third Congregational Church in Chelsea.

The House bill to authorize the Pierce Academy in the town of Middleborough to hold additional real and personal estate was read a third time, and passed to be engrossed in concurrence. Pierce Academy in Middleborough.

The Senate bill to amend chapter 49 of the General Statutes in relation to the inspection and survey of lumber, ornamental wood, and ship timber, was read a third time, and passed to be engrossed. Survey of lumber.

Sent down for concurrence.

The report on the petition of Maria J. Knight; Maria J. Knight.
The resolve in favor of the Commissioners on Contagious Diseases among Cattle; and Cattle.
The bill in relation to the returns of railroad corpora-

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Railroad corporations.

tions, were severally taken from the table, and placed in the orders of the day for to-morrow.

Bills enacted and laid before the governor.

The following engrossed bills (the first of which originated in the Senate) passed to be enacted, and were laid before the Governor for his approval, to wit: —

To change the name of the Vine-street Congregational Society in Boston.

To confirm certain acts done by Henry E. Taintor of Hartford, in the State of Connecticut, as Commissioner for Massachusetts.

To confirm certain acts done by Harvey Kirkland as a justice of the peace.

In addition to an Act to establish a free bridge across the Connecticut River, between Springfield and West Springfield.

To amend section 1 of chapter 139 of the Acts of the year 1877, concerning the boundary-line, in part, between the towns of Medford and Malden.

To confirm the change of name of the South-Malden Congregational Society, and the doings of and conveyances to and by the Everett Congregational Society.

Appropriations.

The Act making appropriations for the expenses of State Almshouse, the State Workhouse, the State Prisons, the State Primary School, the State Reform School for Boys, the State Industrial School for Girls, the State Detective Force, and for other purposes, was laid before the Governor for his approval.

A petition of Marcella Wood (from the House), for State aid, was referred in concurrence to the committee on Claims.

Adjourned.

THURSDAY, February 21, 1878.

Met according to adjournment.

The journal of yesterday was read.

City physician.

An engrossed bill relating to the appointment of city physician in certain cities of the Commonwealth (which originated in the House) passed to be enacted, and was laid before the Governor for his approval.

Boston.

Mr. Gilbert, from the committee on Manufactures, on the petition of the mayor of Boston, reported

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A bill giving to the City Council of the City of Boston certain powers now vested in the Board of Engineers of said city; and the same was read, and ordered to a second reading. Boston.

Mr. Adams, from the committee on the Treasury, reported the resolve granting county taxes, without amendment; and the same was ordered to a second reading. County taxes.

Mr. White of Plymouth, from the committee on Probate and Chancery, on the bill for the protection of widows, reported that the same ought not to pass; and the bill was placed in the orders of the day for to-morrow on the question of rejection. Widows.

On motion of Mr. Coffin,

Ordered, That the 20th joint rule be suspended so as to allow petitions, memorials, and applications embraced in the provisions of chapter 2 of the General Statutes, and chapter 91 of the Acts of the year 1862, to be presented on Monday, February 25, current, and considered during the present session of the Legislature. 20th joint rule.

Sent down for concurrence.

On motion of Mr. Truell,

Ordered, That the committee on Education consider the expediency of further legislation in relation to the expenditure of money by the several school committees of the Commonwealth. School Committees.

On motion of Mr. Holmes,

Ordered, That the committee on Banks and Banking consider whether any legislation is expedient in regard to savings banks. Savings banks.

On motion of Mr. Winn,

Ordered, That the committee on the Troy and Greenfield Railroad and Hoosac Tunnel be, and they hereby are, instructed to consider what legislation, if any, is necessary relative to the repeal or modification of any part of the 77th chapter of the Acts of 1875, or the substitution of any legislation for any part thereof. Also, relative to the powers, duties, or liabilities of the manager of said railroad and the expenses and methods of its management. Also, relative to the duties and obligations of railroad companies, or railroads connecting with, operating, or using said railroad, and the officers and employés of said companies relative to the railroad or its use. Also, relative to the relations of said companies and their employés to the Hoosac Tunnel and Troy and Greenfield Railroad.

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Commonwealth and its manager and the public, in matters pertaining to the Troy and Greenfield Railroad.

On motion of the same Senator,

Militia. *Ordered*, That the committee on Military Affairs consider what legislation, if any, is necessary relative to the re-organization of the militia, the reduction of its expenses, or the promotion of its efficiency.

Severally sent down for concurrence.

Came up concurred.

Dwelling-houses. Mr. Coffin, on leave, introduced a bill relating to the exemption of dwelling-houses from taxation; and the same was read, and referred to the committee on Taxation.

Sent down for concurrence.

Came up concurred.

Appropriations. Mr. Swett, on leave, introduced a bill making appropriations for the expenses of the State Almshouse, the State Workhouse, the State Prisons, the State Primary School, the State Reform School for Boys, the State Industrial School for Girls, the State Detective Force, and for other purposes; and the same was read, and referred to the committee on Public Charitable Institutions.

Sent down for concurrence.

Executors, administrators, &c. Mr. Russell, on leave, introduced a bill relating to sales of real estate by executors, administrators, guardians, and trustees; and the same was read, and referred to the committee on Probate and Chancery.

On motion of Mr. Bishop,

Guardians and trustees. *Ordered*, That the committee on Probate and Chancery inquire whether any further legislation is expedient relating to the settlement of the accounts of guardians and trustees in the probate court.

Probate courts. The same Senator, on leave, introduced a bill to define the jurisdiction of probate courts to appoint guardians in the case of certain vacancies in such office, and to confirm certain appointments; and the same was read, and referred to the committee on Probate and Chancery.

Taunton Lunatic Hospital. Mr. Davol presented a petition of the trustees of the Taunton Lunatic Hospital, for an appropriation for the purpose of building a new laundry.

Referred to the committee on Public Charitable Institutions.

John S. Martin et als. Mr. Gregory presented a petition of John S. Martin and others, that the County Commissioners of Essex County

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may be authorized to lay out a road through a cemetery in Marblehead.

Referred to the committee on Roads and Bridges.

R. B. Forbes et als.

Mr. Ropes presented a petition of S. R. Phinney and others, in aid of that of R. B. Forbes and others.

Referred to the committee on Education.

Bartholomew Cusick. Thomas Mallory

Mr. Hill presented a petition of Bartholomew Cusick, and Mr. Brown, a petition of Thomas Mallory, severally for State aid.

Severally referred to the committee on Claims.

Gerard C. Tobey et als.

Mr. White of Plymouth presented a petition of Gerard C. Tobey and others in relation to the taking of black bass.

Referred to the committee on the Fisheries.

Severally sent down for concurrence.

Came up concurred.

Papers from the House.

Domestic animals.

The Senate bill to prevent the spreading of contagious diseases among domestic animals came up concurred, with an amendment striking out the third section thereof, and the amendment was adopted in concurrence.

Sundry bills.

Bills

To extend the time for applications for damages for land taken for the location of the Massachusetts Central Railroad (on the petition of the company);

Relating to the attorney in this Commonwealth, of insurance companies of other states and countries;

Relating to dividends of joint-stock fire, marine, and fire-marine insurance companies (severally on the communication from the Insurance Commissioner), were severally read, and ordered to a second reading.

Witnesses.

A bill to protect witnesses testifying before the Legislature or legislative committees was read, and referred to the committee on the Judiciary.

Massachusetts volunteer militia.

A resolve in favor of Company C, Eighth Regiment, Massachusetts Volunteer Militia (on the Governor's address) was read, and referred to the committee on the Treasury.

Charles P. Brooks.

A report of the committee on Claims, granting leave to withdraw, on the petition of Charles P. Brooks, was read, and placed in the orders of the day for to-morrow.

Pay of jurors.

Ordered, In concurrence, that the committee on Expen-

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ditures consider the expediency of such legislation as will reduce the pay of grand and traverse jurors in the courts of this Commonwealth.

Green Harbor River.

Also, That the committee on the Fisheries consider whether any legislation is necessary in regard to the fisheries in Green Harbor River in Marshfield.

Mutual fire-insurance companies.

Also, That the committee on Insurance consider the expediency of authorizing mutual fire-insurance companies to accumulate a reserve fund, by issuing scrip in lieu of cash dividends.

Causes of fires, statistics in regard to.

Also, That the same committee consider the expediency of providing for the collection of statistics in relation to fires and their causes in the Commonwealth.

Factory inspection.

Also, That the committee on Labor consider the expediency of amending sections 6, 7, and 10 of chapter 214 of the Acts of the year 1877, so as to provide that the work of factory inspection, now done by state detectives, be performed by a special commission.

Public park in Boston.

Also, That the committee on Public Lands consider the expediency of conveying to the city of Boston, for improvement in connection with the public park in said city, a portion of the flats owned by the state, along the easterly and southerly line of Charles River, between Craigie Bridge and junction of Brookline Avenue and Beacon Street.

Board of railroad commissioners.

Also, That the committee on Railroads consider the expediency of a change in the method of assessing the cost of maintaining the Board of Railroad Commissioners.

Savings banks.

Also, That the committee on Taxation consider the expediency of exempting from taxation so much of the deposits in savings banks as are invested in mortgages.

District taxes.

A petition of S. W. Carpenter and others, in relation to discount and interest on certain district taxes, was referred to the committee on Taxation.

Wm. E. Dunham.

A petition of William E. Dunham, for a renewal of the charter of the Fall-River Street-Railway Company, was referred to the committee on Street Railways.

Benj. Fay et als.

A petition of Benjamin Fay and others, that the bridge over the Connecticut River between Montague and Deerfield may be made free of tolls, was referred to the committee on Roads and Bridges.

H. W. Nelson.

A petition of H. W. Nelson, that the report of the Railroad Commissioners on the investigation into the affairs of the Duxbury and Cohasset Railroad Company, under a resolve of last year, be examined by the Legislature; and

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A petition of the Lowell and Lawrence Railroad Company, for authority to extend its road in the city of Lawrence, were referred to the committee on Railroads. Lowell and Lawrence Railroad Company.

A petition of Frederick Pope and others, for an Act authorizing the Land Commissioners to convey to the abutting owners certain land between Dartmouth and Clarendon Streets in Boston, was referred to the committee on Public Lands. Frederick Pope et als.

A petition of the North Parish in Haverhill, in relation to the disposition of a portion of the ministerial fund of that parish, was referred to the committee on Parishes and Religious Societies. North Parish in Haverhill.

Petitions of

Charles Baker and Company and others; and

Riddle Brothers and others, severally for a modification of the law relating to a re-survey of lumber, were referred to the committee on Mercantile affairs. Lumber.

A petition of G. H. Woods and others, that the leasing of convict labor may be prohibited, was referred to the committee on Labor. G. H. Woods et als.

A petition of the New York and New England Railroad Company, for a renewal of the provisions granted in the year 1873, to drive piles on the westerly side of Fort-Point Channel, was referred to the committee on Harbors. New York and New England Railroad Company.

A petition of John S. Higgins and others, that trawl-fishing may be prohibited in Massachusetts Bay, was referred to the committee on the Fisheries. John S. Higgins et als.

Petitions of

S. Williams and others, and

Peter Fay and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal Relations. Old South Meeting-House.

Petitions of the mayor of the city of Boston, for an Act to incorporate the trustees of the public library of that city; Boston.

Of the school committee of the city of Salem, for an amendment of the act of 1876, chapter 52, relating to the employment of children; and Salem.

Of the Massachusetts Veterinary College, for authority to grant diplomas, were referred to the committee on Education. Mass. Veterinary college.

A petition of Patrick McCarthy, for State aid, was referred to the committee on Claims. Patrick McCarthy.

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Henry S. Gere et als.

A petition of Henry S. Gere and others, that the compensation of jurors and state and county officers may be reduced, was referred to the committee on Expenditures.

Woman suffrage.

Petitions of Andrew Hall and others;
Eleanor A. Holmes and others;
Galen Orr and others;
Mary B. Gates and others; and
Augustus A. Sawyer and others severally, that the right of suffrage may be granted to woman, were referred to the joint special committee on that subject.

Severally in concurrence.

Manufacturing corporations.

Ordered, In concurrence, that the committee on Mercantile affairs consider the expediency of amending section 224 of the acts of 1870, relating to manufacturing corporations.

New Bedford.

On motion of Mr. Knowlton of Bristol, the bill to provide a further supply of water for the city of New Bedford was taken from the table, and the same Senator proposed an amendment as a substitute for the amendment proposed therein by Mr. Beal; and the subject was placed in the orders of the day for to-morrow.

Third Congregational Society in Chelsea.

On motion of Mr. Coffin, the vote by which the bill to incorporate the Third Congregational Society in Chelsea was indefinitely postponed, was reconsidered, and the bill passed to be engrossed in concurrence.

Bills.

The orders of the day were taken up; and the bills,
To regulate the appointment of pilots for the port of Marblehead;
To authorize the city of Newton to establish grades for drainage and sewerage in said city;
Making appropriations for certain educational expenses;
To amend section 10 of chapter 375 of the acts of the year 1872, relating to the organization of mutual fire-insurance companies;
To supply the town of Brockton with pure water;
To amend section 7 of chapter 217 of the acts of the year 1875, making the commissioners of the sinking funds of the city of Taunton, trustees of the water-loan sinking fund; and

Timothy Murphy.

The resolve in favor of Timothy Murphy, were severally read a second time, and ordered to a third reading.

Medicine and surgery.

The bill to regulate the practice of medicine and surgery in the State of Massachusetts was, in accordance with the report of the committee thereon, rejected.

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Reports.

The Senate reports on the petitions of
J. H. Hathorne, and
Samuel W. Winslow, were severally accepted.
Sent down for concurrence.
Came up concurred.

The Senate report on the annual report of the inspector of gas and gas-meters was accepted.
Sent down for concurrence.
Came up concurred.

The House reports on the several orders relative to amending the Constitution respecting the sessions of the General Court; and
On the petition of Perry Newhall and others; and
On the list of pardons granted by the Governor and Council during the year 1877, were accepted in concurrence.

Land-damage cases.

The bill extending the time for application to county commissioners to estimate damages to land in certain cases dismissed for want of such estimate, was placed in the orders of the day for Tuesday next.

Maria J. Knight.

The report on the petition of Maria J. Knight was considered. Mr. Cate proposed a substitute therefor, which was rejected, and the report was accepted.
Sent down for concurrence.

Cattle commissioners.

The Senate resolve in favor of the Commissioners on Contagious Diseases among Cattle was read a third time and passed to be engrossed.
Sent down for concurrence.
Came up concurred.

Railroad corporations.

The bill in relation to the returns of railroad corporations was passed over.

On motion of Mr. Flatley,

County of Suffolk.

Ordered, That the committee on the Judiciary consider the expediency of providing for the appointment of an officer in the county of Suffolk, whose duty it shall be to attend the sessions of the criminal courts in said county, and secure, so far as practicable, the placing upon probation such alleged criminals as, in his judgment, would be likely to reform without punishment.

On motion of Mr. Coffin,

Arrest on mesne process.

Ordered, That the committee on the Judiciary consider the expediency of altering or amending the laws in relation to arrest on mesne process and execution.

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Innholders and victuallers.

On motion of Mr. Sherman,

Ordered, That said committee inquire whether any changes are needed in the laws in relation to innholders and victuallers.

Personal actions.

On motion of Mr. Russell,

Ordered, That the same committee inquire if any modifications in section 6 of chapter 155 of the General Statutes are necessary or expedient in relation to the limitation of personal actions.

Insane women.

On motion of Mr. Knowlton of Bristol,

Ordered, That said committee consider the expediency of making provision by law whereby the husband of an insane woman may be compelled to support her.

Corporations.

Also, That said committee consider the expediency of so amending section 2 of chapter 375 of the acts of the year 1874, in relation to corporations, as to include in the provisions of that section associations for encouraging the breeding of poultry.

Certificates of lien.

On motion of Mr. Coffin,

Ordered, That said committee consider the expediency of amending chapter 93 of the acts of 1877, so as to provide that certificates of lien shall not be recorded at length in the registry of deeds, but only filed and indexed; or otherwise amend said act.

Forwarders and carriers.

On motion of Mr. Bishop,

Ordered, That the same committee inquire whether any further legislation is expedient relating to actions against persons associated together otherwise than as a corporation, carrying on the business of forwarders or carriers.

Franklin Reynolds et als.

Mr. Gregory presented a petition of Franklin Reynolds and others, that the town of Marblehead may be authorized to appropriate money for a portrait of Benjamin Abbott, and the purchase of certain tablets.

Massachusetts Temperance Alliance.

Mr. Sherman presented a petition of the Massachusetts Temperance Alliance for the establishment of a metropolitan police for the city of Boston.

Charlemont.

Mr. Winn presented a petition of the selectmen of Shelburne in aid of that of the selectmen of Charlemont.

Charles Field et als.

Mr. Merriam presented a petition of Charles Field and others for the establishment of a district court in Northern Worcester.

Severally referred to the committee on the Judiciary.

Adjourned.

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MONDAY, February 25, 1878.

Met according to adjournment.

The journal of Thursday was read.

Tisbury and Edgartown.

Mr. Beal, from the committee on Roads and Bridges, on the petition of the town of Tisbury, reported

A bill to amend chapter 63 of the Acts of 1870, relating to the maintenance of Lagoon Bridge between the towns of Tisbury and Edgartown.

American Molded Collar Company.

Mr. Gogin, from the committee on Manufactures, on the petition of the American Molded Collar Company, reported,

A bill relating to the American Molded Collar Company.

Bonds of executors, &c.

Mr. Gardner, from the committee on Probate and Chancery, on the bill to amend chapters 93, 94, 100, and 109 of the General Statutes, relating to bonds of executors, administrators, trustees, and guardians, reported the same in a new draft.

Railroad corporations.

Mr. Knowlton of Bristol, from the committee on Railroads, on the order in relation to the subject, reported

A bill relating to the increase of capital stock by railroad corporations; and these bills were severally read, and ordered to a second reading.

Collection of the price of goods, &c.

Mr. Truell, from the committee on Mercantile Affairs, on the bill to amend chapter 153 of the Acts of the year 1875, authorizing the collection of the price of goods, wares, or merchandise, when sold in good faith, reported that the same ought to pass; and it was ordered to a second reading.

Tobacco furnished to the inmates of the State Almshouse.

Mr. Ely, from the committee on Public Charitable Institution, on the bill to prohibit tobacco being furnished to the inmates of the State Almshouse and Workhouse at the expense of the State, reported that the same ought not to pass; and it was placed in the orders of the day for to-morrow on the question of rejection.

Boston and Albany Railroad Company and the State.

A communication was received from the Attorney General in reply to certain inquiries in an order of the 11th instant as to the rights of the Commonwealth in the matters pending between the Commonwealth and the Boston and Albany Railroad corporation in regard to contracts of the years 1869 and 1873; and the same was referred to the committee on the Judiciary, and ordered to be printed.

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Lewis Wharf Company.

Mr. Coffin, from the committee on Taxation, on the petitions of the Lewis Wharf Company, and

William S. Whitwell and others, and

Mary F. Knowles et als.

Mr. Sherman, from the committee on Mercantile Affairs, on the petition of Mary F. Knowles and others, severally reported that the petitioners have leave to withdraw; and these reports were read, and placed in the orders of the day for to-morrow.

On motion of Mr. Brown,

Land of the Commonwealth in Adams and Florida.

Ordered, That the committee on the Hoosac Tunnel and the Troy and Greenfield Railroad consider whether any legislation is necessary or expedient to authorize the Governor and Council to sell and dispose of certain parcels of real estate belonging to the Commonwealth in the towns of Adams and Florida.

On motion of Mr. Ely,

Trespass on land under tillage.

Ordered, That the committee on Agriculture consider what legislation, if any, is necessary to prevent trespass on land under tillage.

Constitution.

Mr. Swett presented a petition of Otis B. Merrill and others for an amendment of the Constitution providing for biennial sessions of the Legislature and biennial elections of the Governor, Lieutenant-Governor, and other State officers.

Referred to the joint special committee on that subject.

Boston.

Mr. Burrage presented a petition of the city of Boston for the passage of an Act relieving said city from maintaining any portion of the West Boston and Cragie's Bridges beyond the boundary-line of said city.

Referred to the committee on Roads and Bridges.

R. B. Forbes et als.

Mr. Ropes presented a petition of H. K. Thatcher, in aid of that of R. B. Forbes and others.

Referred to the committee on Education.

Severally sent down for concurrence.

Came up concurred.

Boston.

Mr. Burrage presented a petition of the mayor of Boston, that the city council of said city may be authorized to establish by ordinance a board of Police Commissioners.

Referred to the committee on the Judiciary.

J. W. Sawtelle et als.

Mr. White of Suffolk presented a petition of J. W. Sawtelle and others for an amendment of the General Statutes respecting the crime of embezzlement.

Referred to the committee on the Judiciary.

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Mr. Brown presented a petition of Joseph A. Beauvais and others for an Act of incorporation as the New-Bedford Trust Company; and the same was referred, under a suspension of the 20th joint rule, to the committee on the Judiciary. Joseph A. Beauvais et als.

Mr. Brown presented a remonstrance of George W. Kniffen and others against the establishment of a district court for Southern Berkshire. District court for South Berkshire.

Referred to the committee on the Judiciary.

On motion of Mr. Russell, the statement of expenses of the various boards and commissions in the Commonwealth during the last ten years was taken from the table, and referred to the committee on Expenditures, with instructions to consider whether reductions cannot be made in the cost of the same, by the abolition or consolidation thereof, or by modification of the laws by which they were created. Expenses of boards and commissions.

Sent down for concurrence.

Came up concurred.

The statement of cost of State printing for twenty-eight consecutive years, and the copy of the existing contract for State printing, was taken from the table, and referred to the committee on Printing. State printing.

Sent down for concurrence.

Came up concurred.

The bill relating to the tender and offer of judgment in land-damage and lien cases was taken from the table; whereupon Mr. Merriam proposed an amendment therein, and the bill was placed in the orders of the day for to-morrow, and the amendment ordered to be printed. Land-damage cases.

Papers from the House.

Bills Bills.

To confer criminal jurisdiction upon certain municipal courts in Boston over the islands and waters of Boston Harbor;

To amend section 2 of chapter 135 of the General Statutes relating to the recovery of dower, were severally read, and referred to the committee on the Judiciary.

A bill to amend an Act to incorporate the Trustees of Tufts College (on the petition of the trustees of the same) was read, and ordered to a second reading. Tufts College.

A report of the committee on Harbors, on the order in relation to action under chapter 219 of the acts of last Green Harbor Marsh.

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year relative to Green Harbor Marsh in Marshfield, the same recommending an appropriation to carry out the provisions of said act, was read, and placed in the orders of the day for to-morrow.

Boston and Albany Railroad Corporation.

Ordered, in concurrence, That the committee on Railroads consider what action the Legislature shall take in relation to the recommendations contained in the report of the State Directors of the Boston and Albany Railroad Corporation;

Cotton sewing-thread.

Also, That the committee on Mercantile affairs consider what change, if any, should be made in chapter 120 of the acts of 1869, in relation to the sale of cotton sewing-thread;

Green Harbor Marsh.

Also, That the committee on Harbors consider what, if any, appropriation is necessary to meet the expenses of enforcing the provisions of chapter 303 of the acts of the year 1871, as provided in chapter 219 of the acts of 1877, in relation to Green Harbor Marsh in Marshfield;

State expenditures.

Also, That the committee on Expenditures inquire what action, if any, is expedient in relation to the reduction of the State expenditures;

Savings banks.

Also, That the committee on Banks and Banking consider the expediency of a law permitting insolvent savings banks to continue business, after a reduction of the deposit account by an order of the courts;

Employment of children in manufacturing establishments.

Also, That the committee on Education inquire into the expediency of so amending section 2 of chapter 52 of the acts of 1876, as to allow children under fourteen years of age to be employed in manufacturing establishments during their first year's residence in this Commonwealth;

Half-time schools.

Also, That the committee on Education consider whether any additional legislation is expedient with reference to the establishment of half-time day schools in the cities and towns of the Commonwealth;

Sale of tainted fish.

Also, That the committee on Water Supply and Drainage consider what further legislation, if any, is necessary to prevent the sale of tainted fish within the Commonwealth.

Petitions of

Mary Curran.

Mary Curran of Boston, and

Ellen Sweeney.

Ellen Sweeney, severally for State aid; and

George White.

A petition of George White, judge of probate for the county of Norfolk, for compensation for services as judge of probate of the county of Suffolk during the vacancy caused by the death of Judge Ames; and

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A petition of C. C. Conant, for compensation for services as judge of probate for Hampden County; and — C. C. Conant.

Petitions of Daniel J. Lewis and others;

John A. Hawes and others; and

William D. Eldredge and others, severally that Samuel C. Kenny, now dropped from the list, may again receive State aid; and — Samuel C. Kenney.

A petition of George Clapp and Frederick K. Ballou for compensation for building certain sea walls in Boston Harbor; and — George Clapp et al.

A petition of the selectmen of Ashburnham, for reimbursement of money paid for armory rent; — Ashburnham.

Petitions of the selectmen of Sandisfield, Otis, and Tolland, severally for reimbursement for money expended in the building of the Lee and New-Haven Railroad, were severally referred to the committee on Claims. — Sandisfield, Otis, and Tolland.

Petitions of

R. N. Oakman and others; and — R. N. Oakman et als.

F. L. Burnham and others, severally that the toll-bridge across the Connecticut River between Montague and Deerfield may be made free; and

Petitions of

Daniel Stevens and others; and — Daniel Stevens et als.

W. H. Dexter and others, severally that the act which requires the extension of Foster Street in the city of Worcester may be repealed, were referred to the committee on Roads and Bridges.

Petitions of Samuel Hamilton and others; and

Albert C. Butler and others, severally in aid of that of the Boston and Poughkeepsie Railroad Company; and — Boston and Poughkeepsie Railroad Company.

A petition of Willard Marcy and others, for the repeal of the act of 1877, relating to railroad stations in Brookline; and — Willard Marcy et als.

A petition of George D. Eldredge and others, relative to railway stations in Newton; and — Geo. D. Eldredge et als.

A petition of William H. Morse and others, for an act of incorporation as the Ashburnham Railroad Company; and — William H. Morse et als.

A petition of George C. Winchester in aid of the same; and — Ibid.

A petition of the New-York and New-England Railroad Company, for such legislation as the State may deem for its own interest as the principal stockholder in said company, were severally referred to the committee on Railroads. — New-York and New-England Railroad Company.

A petition of the New-England Guard of the city of

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New-England Guard of Boston.

Boston, for amendment of charter, was referred to the committee on Military affairs.

Raynham Co-operative Boot and Shoe Company.

A petition of the Raynham Co-operative Boot and Shoe Company, for an act dissolving the same, was referred to the committee on Manufactures.

State Temperance Alliance.

A petition of the State Temperance Alliance, for the establishment of a metropolitan police for the city of Boston, was referred to the committee on the Liquor Law.

Joshua Bragdon et als.

A petition of Joshua Bragdon and others, that the town of Danvers may be authorized to insure against losses by fire within its own limits, was referred to the committee on Insurance.

K. E. Terry et als.

A petition of K. E. Terry and others, for the regulation of the taking of menhaden in Buzzard's Bay, was referred to the committee on the Fisheries.

Woman suffrage.

Petitions of Miriam Hovey and others, and

E. W. Clement and others, severally that the right of suffrage may be granted to woman, were referred to the committee on that subject.

Old South Meeting-House.

Petitions of

M. B. Whitney and others;

Henry W. Powers and others; and

S. Thayer and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal relations.

Severally in concurrence.

Franklin W. Smith et als.

The petition of Franklin W. Smith and others came up non-concurred in the reference of the same to the committee on Agriculture; and the Senate receded therefrom, and concurred in the reference thereof to the committee on Public Charitable Institutions.

Bills.

The orders of the day were taken up; and the bills,

Giving to the City Council of the City of Boston certain powers now vested in the Board of Engineers of said city;

Relating to the attorney, in this Commonwealth, of insurance companies of other states and countries;

To extend the time for applications for damages for land taken for the location of the Massachusetts Central Railroad;

Relating to dividends of joint-stock fire, marine, and fire-marine insurance companies; and

County taxes.

The resolve granting county taxes, were severally read a second time, and ordered to a third reading.

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The Senate report on the petition of Charles P. Brooks was accepted. Charles P. Brooks.

Sent down for concurrence.

Came up concurred.

The Senate bill to regulate the appointment of pilots for the port of Marblehead was read a third time, and passed to be engrossed. Marblehead, port of.

Sent down for concurrence.

Came up concurred.

The Senate bill to authorize the city of Newton to establish grades for drainage and sewerage in said city was read a third time, and passed to be engrossed. Newton.

Sent down for concurrence.

Came up concurred.

The House bill making appropriations for certain educational expenses was ordered to be engrossed in concurrence. Appropriations.

The Senate resolve in favor of Timothy Murphy was read a third time, and passed to be engrossed. Timothy Murphy.

Sent down for concurrence.

Came up concurred.

The House bills, Bills.

To amend section 10 of chapter 375 of the Acts of the year 1872, relating to the organization of mutual fire-insurance companies;

To amend section 7 of chapter 217 of the Acts of the year 1875, making the commissioners of the sinking funds of the city of Taunton trustees of the water-loan sinking fund, were severally read a third time, and passed to be engrossed in concurrence.

The bill to supply the town of Brockton with pure water was read a third time; and, Mr. Bishop proposing an amendment therein, the same was passed over.

The bill to provide a further supply of water for the city of New Bedford was further considered.

The amendment proposed by Mr. Knowlton of Bristol, for that proposed by Mr. Beal, was adopted; and the bill was ordered to a third reading.

The bill in relation to the returns of railroad corporations was ordered to be placed in the orders of the day for Wednesday next.

The following engrossed bills (the first two of which originated in the Senate) passed to be enacted, and were laid before the Governor for his approval: to wit, — Bills enacted, and laid before the Governor.

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Relating to the conduct of the inmates of the Reformatory Prison for Women, at Sherborn;

To provide for the printing of certain extra copies of the Savings-Bank Commissioners' Report;

To prescribe the methods of electing boards of health in towns.

A petition (from the House) of the Fitchburg R.R. Co., and the Vermont & Mass. R.R. Co., for leave to sell that part of their railroad which extends from Miller's Falls to Brattleboro, was referred in concurrence to the Committee on Railroads.

Adjourned.

TUESDAY, February 26, 1878.

Met according to adjournment.

The journal of yesterday was read.

Payment for burial purposes.

Mr. Abbott from the committee on Probate and Chancery, on the bill relating to payment for burial purposes from the estates of deceased persons; and

West Springfield.

Mr. White of Plymouth, from the committee on the Judiciary, on the bill in relation to main drains and common sewers in the town of West Springfield, severally reported that the same ought to pass; and they were ordered to a second reading.

Poor debtors.

Mr. Coffin from the committee on the Judiciary, on the bill to amend section 9 of chapter 124 of the General Statutes, in relation to poor debtors, reported that the same ought not to pass; and it was placed in the orders of the day for to-morrow, on the question of rejection.

Railroad companies.

Mr. Knowlton of Bristol, from the committee on Railroads, to whom was referred the bill to amend section 20 of chapter 372 of the Acts of the year 1874, relating to the formation of railroad corporations; also, an order in relation to the subject, reported the bill in a new draft under the title of "bill concerning the amount of capital stock required in the organization of railroad companies, and for other purposes;" and the same was ordered to a second reading.

On motion of Mr. Ropes,

Widows.

Ordered, That the committee on Probate and Chancery consider the expediency of legislation to place a widow, at the decease of her husband, in the same position as the law now gives to the husband at the decease of his wife.

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Mr. Brown presented petitions of
Norman W. Shores and others; and
E. G. Hale and others; and
Mr. Canfield, a petition of H. L. Plumb and others, severally in favor of the establishment of a district court for Southern Berkshire. District court for Southern Berkshire.

Mr. Ewing presented a remonstrance of C. K. Sullivan and others, against any increase of tax upon dogs. Dogs.
Referred to the committee on Agriculture.

Mr. Barton presented a remonstrance of Stephen Salisbury and others, against the repeal of the Act relating to Foster Street in Worcester. C. C. Houghton et als.
Referred to the committee on Roads and Bridges.

Mr. Ewing presented a petition of Mrs. Lydia Hawley and others, that the right of suffrage may be granted to woman. Woman suffrage.
Referred to the committee on that subject.

Mr. Swett presented a petition of Warner R. Whittier and others, for an amendment of the Constitution providing for biennial sessions of the General Court and biennial elections of State officers. Constitution.
Referred to the committee on Constitutional amendments.

Papers from the House.

A bill fixing the time and place of holding probate courts in the county of Suffolk was read, and referred to the committee on Probate and Chancery. County of Suffolk.

A bill to authorize the Boston and Lowell Railroad Corporation to widen its freight bridge across Charles River (on the petition of the same) was read, and ordered to a second reading. Boston and Lowell Railroad Corporation.

A bill to provide for the punishment of drunkenness for the first and second offence was read, and referred to the committee on the Liquor Law in concurrence. Drunkenness.

Ordered, in concurrence, That the committee on Printing consider the expediency of legislation to remove a doubt now existing as to the proper construction of the contract between the Commonwealth and Messrs. Rand, Avery & Co., in relation to "office blank-books" and other like documents. State printing.

Also, That the committee on Insurance consider the expediency of obliging foreign insurance corporations doing business in this Commonwealth to file a bond cove- Foreign insurance corporations.

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nanting to pay without delay all judgments obtained by our citizens against them in the courts of the Commonwealth.

Religious and other associations.

A bill to further amend an Act concerning associations for religious, charitable, educational, and other purposes, was referred, in concurrence, to the committee on Insurance.

Soldiers' Home.

Petitions of

Jerome Washburn and others;

E. Brimhall and others; and

J. H. Giles and others, severally in aid of the establishment of a soldiers' home in the Commonwealth, were referred to the committee on Military affairs.

C. H. Read et als.

A petition of Ezra Sawyer and others, in aid of that of C. H. Read and others, was referred to the committee on Taxation.

Samuel J. Butler et als.

Petitions of L. D. Tucker and others; and

N. L. Bicknell and others, in aid of the petition of Samuel Butler and others, for a division of the town of Edgartown, were referred to the committee on Towns.

Thomas P. Proctor.

A petition of Thomas P. Proctor, for an amendment of the law relative to fire-insurance companies, was referred to the committee on Insurance.

Old South Meeting-House.

Petitions of George M. Bartol and others; and

Charles W. Bush and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal relations.

Severally in concurrence.

Bills.

The orders of the day were taken up; and the bills,

To amend chapter 63 of the Acts of 1870, relating to the maintenance of Lagoon Bridge between the towns of Tisbury and Edgartown;

Relating to the American Molded Collar Company;

Relating to the increase of capital stock by railroad corporations;

To amend an Act to incorporate the Trustees of Tufts College, were severally read a second time, and ordered to a third reading.

The bills,

To amend chapters 93, 94, 100, and 109, of the General Statutes, relating to bonds of executors, administrators, trustees and guardians;

To amend chapter 153 of the Acts of the year 1875,

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authorizing the collection of the price of goods, wares, or merchandise, when sold in good faith;

Relating to the tender and offer of judgment in land-damage and lien cases, were severally passed over.

Land-damage cases.

The bill extending the time for application to county commissioners to estimate damages to land in certain cases, dismissed for want of such estimate, was further considered; and, Mr. Merriam proposing an amendment therein, the same was passed over, and the amendment ordered to be printed.

Widows.

The bill for the protection of widows was, in accordance with the report of the committee thereon, rejected.

New Bedford.

The bill to provide a further supply of water for the city of New Bedford was laid on the table.

Bills.

The House bills,

To extend the time for applications for damages for land taken for the location of the Massachusetts Central Railroad;

Relating to the attorney, in this Commonwealth, of insurance companies of other states and countries;

Relating to dividends of joint-stock fire, marine, and fire-marine insurance companies, were severally read a third time, and passed to be engrossed in concurrence.

The Senate bill giving to the City Council of the City of Boston certain powers now vested in the Board of Engineers of said city was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

County taxes.

The House resolve granting county taxes was read a third time, and passed to be engrossed in concurrence.

Brockton.

The bill to supply the town of Brockton with pure water was committed to the committee on the Judiciary.

Reports.

The Senate reports on the petitions of

Mary F. Knowles and others; and

The Lewis Wharf Company and William S. Whitwell, were severally accepted.

Sent down for concurrence.

The House report on the order relative to Green Harbor Marsh in the town of Marshfield was accepted in concurrence.

The bill to prohibit tobacco being furnished to the

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Tobacco to inmates of State Almshouse.

inmates of the State Almshouse and Workhouse, at the expense of the State, was passed over.

Adjourned.

WEDNESDAY, February 27, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Saunders, from the committee on Education, to whom was referred the report of the Board of Supervisors of Statistics, reported,

Statistics.

A bill to provide for the collection and publication of statistics; and the same was read, and ordered to a second reading.

Massachusetts Volunter Militia.

Mr. Breed, from the committee on the Treasury, reported a resolve in favor of Company C, Eighth Regiment Massachusetts Volunteer Militia, without amendment; and it was ordered to a second reading.

On motion of Mr. Merriam,

Public waterworks.

Ordered, That the committee on Judiciary consider the expediency of further legislation to protect public waterworks, and the land and reservoirs connected therewith, and the fish in such reservoirs, and all property belonging thereto, from trespass, injury, or destruction.

On motion of the same Senator,

Officers of banks.

Ordered, That the committee on Banks and Banking consider the expediency of prohibiting the officers of any bank, or any person employed in such bank, from acting as a notary public in protesting notes for said bank.

Papers from the House.

Inspection of factories, &c.

A bill in relation to the inspection of factories and public buildings, and for other purposes, was read, and referred in concurrence to the committee on Labor.

Reports.

A report of the committee on Taxation, that it is inexpedient to legislate on the order relative to sales of liens on real estate by collectors of taxes; and

Reports, granting leave to withdraw,

Of the committee on Manufactures, on the petition of William M. Childs and others; and

Of the committee on Claims, on the petition of Timothy J. Burns, were severally read, and placed in the orders of the day for to-morrow.

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Ordered, In concurrence, that the committee on Mercantile affairs consider what legislation is necessary in regard to sales of merchandise at auction in this Commonwealth by persons not citizens thereof, and who pay no taxes here on such merchandise. Sales of merchandise at auction.

A petition of the selectmen of Lancaster, for amendment of the law in relation to railroad crossings was referred to the committee on Railroads. Lancaster.

A petition of Charles H. Hopkinson and others, for a repeal of the law relative to the taking of smelts in the Merrimack River, and for amendment of the law relative to the taking of shad therein, was referred to the committee on the Fisheries. Charles H. Hopkinson et als.

Petitions of B. P. Davis and others; Old South Meeting-House.
James F. Hunnewell and others; and
James Bradford and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal Relations.

A petition of G. M. Nash and others, for legislation to diminish the number of dogs, was referred to the committee on Agriculture. Dogs.

Petitions of Boston Socialistic Labor Party.
The Boston Section Socialistic Labor Party, and
Joseph Grant and others, severally for the further protection of women and children in manufacturing establishments, were referred to the committee on Labor. Joseph Grant et als.

A petition of G. A. Ashley and others, that retail dealers in fish and oysters shall be required to obtain a license so to do; and G. A. Ashley et als.

Petitions of Re-survey of lumber.
J. H. Prescott and others;
Pratt & Co.,
Pierce and Carpenter;
M. J. Hoblen and others; and
George Roundy and others, severally for amendment of the law relative to the re-survey of lumber, were severally referred to the committee on Mercantile affairs.

Petitions of Soldiers' Home.
Albert H. Foster and others;
George M. Newton and others;
Edwin Bycroft and others;
W. E. Cook and others;
H. P. Fisher and others;

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John Collins and others;
Abner Greenwood and others;
S. S. Blodgett and others;
H. S. Trowbridge and others;
Samuel F. Fisher and others; and
S. H. Howe and others, severally for the establishment of a soldiers' home, were referred to the committee on Military affairs.

Severally in concurrence.

Taxation of personal property.

Mr. Bishop, on leave, introduced a bill in relation to the taxation of personal property; and the same was read, and referred to the committee on Taxation.

Sent down for concurrence.

Came up concurred.

Hay and straw.

Mr. Ely, on leave, introduced a bill concerning the inspection and sale of hay and straw; and the same was read, and referred to the committee on the Judiciary.

Plymouth County.

On motion of Mr. White of Plymouth,

Ordered, That the committee on Judiciary consider the expediency of redistricting Plymouth county with reference to abolishing one or more of the district courts therein.

Constitution.

Mr. Lynde presented a petition of Charles R. Ladd and others for an amendment of the Constitution, providing for biennial sessions of the General Court and biennial elections of state officers.

Referred to the committee on Constitutional amendments.

Sent down for concurrence.

Came up concurred.

International Wharf and Dock Company.

Notice was received from the House, that the Senate bill to incorporate the International Wharf and Dock Company in East Boston had been rejected by that branch.

Bills.

The orders of the day were taken up; and the bills,

Relating to payments for burial purposes from the estates of deceased persons;

To authorize the Boston and Lowell Railroad Corporation to widen its freight bridge across Charles River;

In relation to main drains and common sewers in the town of West Springfield, were severally read a second time, and ordered to a third reading.

Poor debtors.

The bill to amend section 9 of chapter 124 of the General Statutes, in relation to poor debtors was, in accordance with the report of the committee thereon, rejected.

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The bill to amend chapter 63 of the Acts of 1870, relating to the maintenance of Lagoon Bridge between the towns of Tisbury and Edgartown, was recommitted to the committee on Roads and Bridges. Tisbury and Edgartown.

The bill relating to the American Molded Collar Company was read a third time; and the title having been amended by the committee on Bills in the Third Reading, so that it should read as follows: "Bill to enable the American Molded Collar Company to reduce the par value of its shares of capital stock," the same was passed to be engrossed. American Molded Collar Company.

Sent down for concurrence.

Came up concurred.

The bill relating to the increase of capital stock by railroad corporations was read a third time, amended in the title by substituting therefor the following: "Bill to enable stockholders in railroad corporations to subscribe for additional stock upon an increase thereof," and passed to be engrossed. Railroad corporations.

Sent down for concurrence.

Came up concurred.

The House bill to amend an Act to incorporate the Trustees of Tufts College was read a third time, and passed to be engrossed in concurrence. Bills.

The bill in relation to the returns of railroad corporations was recommitted to the committee on Railroads.

The bills,

To amend chapters 93, 94, 100, and 109, of the General Statutes, relating to bonds of executors, administrators, trustees, and guardians;

Concerning the amount of capital stock required in the organization of railroad companies and for other purposes, were severally passed over.

The bill to prohibit tobacco being furnished to the inmates of the State Almshouse and State Workhouse, at the expense of the State, was, in accordance with the report of the committee thereon, rejected.

The bill to amend chapter 153 of the Acts of the year 1875, authorizing the collection of the price of goods, wares, or merchandise, when sold in good faith, was ordered to a third reading.

The bill relating to the tender and offer of judgment in land-damage and lien cases was further considered, and

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the amendment proposed therein by Mr. Merriam was adopted.

Mr. Coffin proposed a further amendment therein, pending the consideration of which the orders of the day were laid on the table.

Bills enacted and laid before the Governor.

The following engrossed bills (the first three of which originated in the Senate) passed to be enacted, and were laid before the Governor for his approval, to wit: —

To prevent the spreading of contagious and infectious diseases among domestic animals.

To authorize cities and towns to furnish pupils in the public schools with stationery;

Concerning the distribution of the ministerial fund in the town of Lanesborough;

To incorporate the Third Congregational Church in Chelsea;

To incorporate the Lee Water Company;

To authorize the Peirce Academy, in the town of Middleborough, to hold additional real and personal estate.

Adjourned.

THURSDAY, February 28, 1878.

Met according to adjournment.

The journal of yesterday was read.

Marblehead.

Mr. Russell, from the committee on the Judiciary, on the petition of Franklin Reynolds and others, reported,

A bill to authorize the town of Marblehead to raise and appropriate money for a portrait of Benjamin Abbot, and for other purposes.

United Presbyterian Church in North America.

The same Senator, from the same committee, on the petition of the Trustees of the United Presbyterian Church of North America, reported a bill to authorize said church to hold real estate in Massachusetts.

Public warehouses.

The same Senator, from the same committee, on an order in relation to the subject, reported,

A bill to amend an Act relating to public warehouses.

And these bills were severally read, and ordered to a second reading.

Malden, Medford, and Melrose.

Mr. Coffin, from the committee on the Judiciary, reported the bill relating to the water-loan sinking funds in the towns of Malden, Medford, and Melrose, without

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amendment; and the same was ordered to a second reading.

Mr. Day, from the committee on Harbors, on the annual report of the Harbor Commissioners, reported, Compensation for tide-water displaced.

A bill in relation to compensation for tide-water displaced; and the same was read, and ordered to a second reading.

Mr. Ewing, on leave, introduced a bill relative to false publications by officers of incorporated companies; and False publications.

Mr. Bishop a bill to extend the law enabling the courts to report questions of law for the determination of the Supreme Judicial Court; Questions of law.

And these bills were severally read, and referred to the committee on the Judiciary.

On motion of Mr. Gregory,

Ordered, That the committee on Agriculture inquire into the expediency of amending chapter 206 of the acts of 1874, relating to the sale of commercial fertilizers. Commercial fertilizers.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Lynde,

Ordered, That the committee on the Judiciary consider the expediency of amending chapter 206 of the acts of 1877, so as to give greater security to the ballot. Greater security of the ballot.

On motion of Mr. Knowlton of Bristol,

Ordered, That the committee on Taxation inquire whether any legislation is expedient in relation to the taxation of trust property and the provisions for the collection of the same. Taxation of trust property.

Sent down for concurrence.

Came up concurred.

Mr. Knowlton of Bristol presented a petition of Charles F. Allen and others, in aid of that of Samuel Butler and others. Samuel Butler et als.

Referred to the committee on Towns.

Mr. Palmer presented a petition of Theodore Lyman and others, in aid of that of George T. Bigelow and others. George T. Bigelow et als.

Referred to the committee on Taxation.

Severally sent down for concurrence.

Came up concurred.

Mr. Brown presented a petition of Reuben Pierce and others *in favor of*, and a remonstrance of John C. Smith District court for Southern Berkshire.

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and others *against*, the establishment of a district court for southern Berkshire.

Severally referred to the committee on the Judiciary.

Papers from the House.

Bridget Murphy. A resolve in favor of Bridget Murphy was referred, in concurrence, to the committee on Military affairs.

Eastern Railroad Company. A bill authorizing the Eastern Railroad Company to make leases or other running contracts with railroads out of the Commonwealth (on the petition of the same) was read and ordered to a second reading.

A bill in further addition to an act making appropriations for the maintenance of the government during the present year was read and referred to the committee on the Treasury.

Bills,

To amend an act authorizing towns to provide for the removal of snow and ice from the sidewalks;

To revise the Builders' Loan and Fund Corporation, for certain purposes, were severally read, and referred to the committee on the Judiciary.

Ordered, in concurrence, That the committee on Taxation consider the expediency of amending section 5, chapter 11, General Statutes, so that the real and personal property of incorporated agricultural societies shall not be exempt from taxation;

Taunton Great River. Also, That the committee on fisheries consider the expediency of changing Section 2, Chapter 208, of the Acts of the year 1876, relative to the location of seines in the Taunton Great River;

Sales of merchandise at auction. Also, That the committee on Mercantile affairs consider the expediency of amending the laws relative to sales of merchandise by auction or otherwise in cities and towns where no tax is paid on such merchandise.

Hours of labor. That the committee on Labor consider the expediency of amending section 2 of chapter 221 of the acts of the year 1874, relative to hours of labor in manufacturing establishments, by striking out the word "wilfully," wherever the same occurs, and inserting the words, "or permits to be employed," after the word "employs" in the second and sixth lines of said section.

Massachusetts Fish and Game Association. Petitions of

S. H. Baker and others; and

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George Tyler Bigelow and others, severally in aid of that of the Massachusetts Fish and Game Protective Association, were referred to the committee on the Fisheries.

Old South Meeting-House.

Petitions of
David B. Hagar and others; and
John D. Washburn; and
Washburn and Company and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal relations.

Woman suffrage.

Petitions of
Lucella H. Billings and others;
M. J. C. Russell and others;
Mary C. Paddock and others;
Amelia G. Russell and others; and
S. A. Newell and others, severally in aid of granting the right of suffrage to woman, were referred to the joint special committee on that subject.

Manufacturing establishments.

Petitions of
Robert Howard and others;
John Hill and others;
Margaret Twigg and others; and
William Cosgrove and others, severally for further legislation for the protection of women and children in manufacturing establishments, were severally referred to the joint special committee on Labor.

Re-survey of lumber.

Petitions of
Charles E. Redfern and others;
A. S. Stearns and others;
David P. Davis and others;
Charles A. Pook and others;
J. W. L. Wilbur and others;
The Glendon Co.;
F. H. Buck and others;
Swett & Co. and others;
Swazey and Warner; and
Francis Buttrick and others, severally for amendment of the law relative to the re-survey of lumber, were referred to the committee on Mercantile affairs.

Soldiers' Home.

Petitions of
Arthur Fenner and others;
E. B. Berry and others;
Frank Murphy and others;
Emerson Stone and others;
J. C. Clark and others;

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John Welch and others;
J. H. Palmer and others;
L. Harris and others;
S. N. Noyes and others; and
P. O'Meara Edson and others, severally for the establishment of a soldiers' home, were severally referred to the committee on Military affairs.

Constitution. Notice was received from the House that the Senate "Resolve providing for an amendment to the Constitution to permit the division of towns into election districts," had been rejected by that branch.

The orders of the day were taken up, and the unfinished business of yesterday: bill,

Land-damage cases. Relating to the tender and offer of judgment in land-damage and lien cases; and

The bills,

Land damages. Extending the time for application to county commissioners to estimate damages to land in certain cases dismissed for want of such estimate;

Bonds of executors et als. To amend chapters 93, 94, 100, and 109, of the General Statutes, relating to bonds of executors, administrators, trustees, and guardians; and

Massachusetts Volunteer Militia. The resolve in favor of Company C, Eighth Regiment Massachusetts Volunteer Militia were severally passed over.

Statistics. The bill to provide for the collection and publication of statistics was referred to the committee on the Treasury.

Payments for burial purposes. The Senate bill relating to payments for burial purposes from the estates of deceased persons was read a third time, and passed to be engrossed.

Sent down for concurrence.

Collection of the price of ornamental wood, etc. The Senate bill to amend chapter 153 of the acts of the year 1875, authorizing the collection of the price of goods, wares, or merchandise, when sold in good faith, was read a third time, amended in the title by substituting therefor the following, to wit: "bill to authorize the collection of the price of ornamental wood, timber and lumber sold by unsealed measures, or measured by unsworn measurers," and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Boston and Lowell Railroad Company. The House bills,

To authorize the Boston and Lowell Railroad Corporation to widen its freight bridge across Charles River;

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In relation to main drains and common sewers in the town of West Springfield, were severally read a third time, and passed to be engrossed in concurrence. West Springfield.

The bill concerning the amount of capital stock required in the organization of railroad companies, and for other purposes, was re-committed to the committee on Railroads. Railroad companies.

The House reports,

On the order relative to sales of liens on real estate by collectors of taxes; and Liens on real estate.

On the petitions of

William M. Childs and others; and Wm. M. Childs et als.

Timothy J. Burns, were severally accepted in concurrence. Timothy J. Burns et als.

An engrossed bill to amend section 7 of chapter 217 of the acts of the year 1875, making the commissioners of the sinking funds of the city of Taunton trustees of the water-loan sinking fund (which originated in the House) passed to be enacted, and was laid before the governor for his approval. Taunton.

Adjourned.

FRIDAY, March 1, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Truell from the committee on Mercantile affairs, on the order in relation to the subject, and a petition of H. B. Emerson and others, reported, Lime and lime-casks.

A bill to amend chapter 49, of Section 122, of the General Statutes, in relation to inspection and sale of lime and lime-casks; and the same was read, and ordered to a second reading.

Mr. White of Suffolk, from the committee on Claims, on the petition of John P. Sawin, reported, John P. Sawin.

A resolve in favor of John P. Sawin; and the same was read, and referred to the committee on the Treasury.

Mr. White of Plymouth, from the committee on the Judiciary, on the bill relating to the removal of the inmates of the State Prison from Boston to Concord; and State Prison.

On the bill to extend the time during which the city of Worcester is authorized to lay out a public park, and to establish and maintain a reservoir, severally reported that said bills ought to pass; and they were ordered to a second reading. Worcester.

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Lexington.

Mr. Merriam, from the same committee, on the petition of the town of Lexington, reported,

A bill relating to the payment of certain costs and expenses by the town of Lexington; and the same was read, and ordered to a second reading.

On motion of Mr. Flatley,

Religious books furnished to inmates of public institutions.

Ordered, That the committee on Prisons consider the expediency of providing by statute, that when religious books are provided and furnished at the expense of the state or county, to penal or charitable institutions, there shall be included among the books so furnished, those representing the religious faith of the different leading denominations: to the end that no sectarian distinction shall be maintained in the public institutions of the State.

On motion of Mr. Merriam,

Measurement of ponds.

Ordered, That the committee on the Fisheries consider the expediency of providing that selectmen of towns may perform the duties now devolving upon county commissioners, in measuring ponds for certain purposes under the provisions of law.

On motion of Mr. Winn,

Support of schools.

Ordered, That the committee on Education consider what legislation, if any, is necessary relative to the distribution of moneys raised for the support of schools.

On motion of Mr. Gilbert,

Steam engines, furnaces and boilers.

Ordered, That the committee on Manufactures consider the expediency of amending chapter 88 of the General Statutes, sections 33 to 45 inclusive, relating to steam engines, furnaces and boilers.

On motion of Mr. Lynde,

State Printing.

Ordered, That the committee on Printing consider the expediency of further legislation upon the manner and cost of printing legislative and other public documents and the Reports of the various State boards.

Severally sent down for concurrence.

Came up concurred.

J. A. Allen et als.

Mr. Lynde presented a petition of J. A. Allen and others, for the more effective protection of our native birds.

Referred to the committee on Agriculture.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Bishop,

Ordered, That the committee on Probate and Chancery

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inquire whether it is expedient to provide by law, for the annual or other periodical examination of the accounts of trustees and guardians in the probate courts, with a view to the safety of instruments by them and the protection of the property in their hands. Accounts of trustees and guardians.

Also, That said committee inquire whether any further legislation is needful as to the proof and allowance of foreign wills in this State; Foreign wills.

Also, That the same committee inquire whether any further legislation is expedient relative to the distribution of insolvent estates, so as to provide for claims accruing after the distribution of the assets of such estates. Insolvent estates.

On motion of Mr. Winn,

Ordered, That the same committee consider what legislation, if any, is necessary relative to the service of attested copies of the reasons of appeal, filed in the probate office, in cases of appeals to the Supreme Judicial Court. Appeals, service of copies of reasons of.

On motion of Mr. Knowlton of Bristol,

Ordered, That the committee on the Judiciary consider whether any modification is expedient in the laws relating to the arrest of women on mesne process or execution. Arrest of women on mesne process.

On motion of Mr. Bishop,

Ordered, That the same committee inquire whether any further legislation is expedient relating to the filing of caveats for record in the registry of deeds. Filing of caveats.

On motion of Mr. Merriam,

Ordered, That the committee on the Judiciary consider the expediency of legislation requiring city and town clerks to give bonds for the faithful discharge of the duties of their offices. Town and city clerks to give bonds.

On motion of the same senator,

Ordered, That the same committee consider the expediency of amending section 22 of chapter 130 of the General Statutes in relation to set-off. Set-off.

On motion of Mr. Winn,

Ordered, That said committee consider and report what legislation, if any, is necessary relative to the rights of purchasers, under power of sale of mortgages, to the possession of the premises conveyed to them by law; Rights of purchasers under power of sale of mortgages.

Also, That the said committee consider whether any further legislation is needful relating to inferences of fact to be drawn from agreed statements of fact in actions at law; Statements of fact in actions at law.

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Real estate sold for taxes.

Also, That said committee consider what legislation, if any, is necessary relative to the re-conveyance, to original owners, of real estate sold for payment of taxes, and purchased on behalf of towns or cities on payment of taxes and costs; and relative to the evidence of such re-conveyance;

Money remaining after sale of property under power-of-sale mortgages.

Also, That said committee consider what legislation, if any, is necessary relative to the rights of creditors or others, as to the disposal of any surplus money remaining after sale of property under power-of-sale mortgages.

Bonds by city and town clerks.

Mr. Day, on leave, introduced a bill requiring city and town clerks to furnish bonds; and the same was read, and referred to the committee on the Judiciary.

District court in South Berkshire.

Mr. Canfield presented a petition of P. C. Langdon and others, in aid of the bill to establish a new district court in Southern Berkshire.

Referred to the committee on the Judiciary.

Papers from the House.

Evangelical Baptist Benevolent Missionary Society.

A bill to amend the Act incorporating the Evangelical Baptist Benevolent and Missionary Society (on the order in relation to the taxation of the property known as Tremont Temple) was read, and ordered to a second reading.

Boston.

A bill concerning the re-location of streets and ways in the city of Boston was read, and referred to the committee on the Judiciary.

Worcester County commissioners.

A bill to authorize the county commissioners of Worcester County to borrow money for certain purposes was read, and referred to the committee on the Treasury.

Hardwick.

A resolve in favor of the town of Hardwick was read, and referred to the committee on the Treasury.

Hours of labor.

Reports of the committee on Labor,

That it is inexpedient to legislate on the order relative to amending chapter 221 of the acts of 1874, concerning hours of labor in manufacturing establishments; and

Inez Snow et als.

Granting leave to withdraw, on the petition of Inez Snow and others, were severally read, and placed in the orders of the day for to-morrow.

Medicine and pharmacy in Boston.

Ordered, in concurrence, That the committee on Water Supply and Drainage consider the expediency of legislation relative to regulating the practice of medicine and pharmacy in the city of Boston.

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Also, That the committee on Mercantile affairs consider the expediency of regulating by law the manufacture and sale of hoops. Manufacture and sale of hoops.

Also, That the committee on Taxation inquire what legislation, if any, is necessary in relation to the taxation of co-operative saving fund and loan associations. Co-operative saving Fund and loan associations.

Also, That the committee on Education consider what, if any, changes are expedient in chapter 142 of the acts of 1865, relative to withholding the annual income of the school fund from such cities and towns as fail to comply with the laws of the State. School Fund.

Also, That the committee on Expenditures consider the expediency of devolving upon the Governor and council the duties now required of any or all of the boards or commissions of the Commonwealth, and of abolishing said boards or commissions. Boards and Commissions.

Also, That the committee on Public Charitable Institutions, which has under consideration the subject of tramps, be authorized to report in print. Tramps.

A petition of Rev. Dr. Gordon and others, for a repeal of the license law, and re-enactment of the prohibitory law, was referred to the committee on the Liquor Law. Liquor law.

Petitions of Old South Meeting-House.
J. Martin Graham and others;
C. Minot Weld and others;
H. S. Brown and others;
E. A. Horton and others; and
J. Laselle and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal relations.

A petition of William E. Barnes and others, in aid of that of the Boston and Poughkeepsie Railroad Company, was referred to the committee on Railroads. Boston and Poughkeepsie Railroad Company.

Petitions of Soldiers' Home.
Edwin M. Norton and others;
Oscar Shumway and others;
Dexter Burnett and others;
Charles B. Beckwith and others;
L. H. Hopkinson and others;
H. H. Joy and others;
O. S. Paige and others; and
C. W. Green and others, severally for the establishment of a soldiers' home in Massachusetts, were referred to the committee on Military affairs.

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Woman suffrage.

Petitions of
R. A. Newell and others;
Sarah D. Knowles and others;
Henry H. Barber and others; and
H. M. Phillips and others, severally that the right of suffrage may be granted to woman, were referred to the committee on that subject.

Bills.

The orders of the day were taken up, and the bills,
In relation to compensation for tide-water displaced;
To authorize the Trustees of the United Presbyterian Church of North America to hold real estate in Massachusetts;
To authorize the town of Marblehead to raise and appropriate money for a portrait of Benjamin Abbot, and for other purposes;
Authorizing the Eastern Railroad Company to make leases, or other running contracts with railroads out of the Commonwealth;
Relating to the water-loan sinking funds in the towns of Malden, Medford, and Melrose, were severally read a second time, and ordered to a third reading.

Massachusetts Volunteer Militia.

The resolve in favor of Company C, Eighth Regiment Massachusetts Volunteer Militia, was read a third time, and passed to be engrossed in concurrence.

Land damages.

The bill relating to the tender and offer of judgment in land-damage and lien cases was considered, and the amendment proposed therein by Mr. Coffin adopted.
Mr. Ely proposed a further amendment therein, and the bill was passed over.

Ibid.

The bill extending the time for application to county commissioners, to estimate damages to land in certain cases dismissed for want of such estimate, was further considered; the amendment proposed therein by Mr. Merriam was withdrawn, and the bill was indefinitely postponed.

Bonds of executors et als.

The bill to amend chapters 93, 94, 100, and 109, of the General Statutes, relating to bonds of executors, administrators, trustees, and guardians, was amended, and ordered to a third reading.

Public Warehouses.

The bill to amend an act relating to public warehouses was passed over.

Hoosac Tunnel and Troy and

A message was received from the Governor, transmitting the annual report of the manager of the Hoosac

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Tunnel and the Troy and Greenfield Railroad; and the same was laid on the table, and ordered to be printed. Greenfield Railroad.

The following engrossed bills (the first of which originated in the Senate) passed to be enacted, and were laid before the Governor for his approval, to wit: — Bills enacted and laid before the Governor.

To amend chapter 190 of the Acts of the year 1872, relating to the alewife and other fisheries in the towns of Bridgewater, West Bridgewater, East Bridgewater, and Halifax;

Making appropriations for certain educational expenses;

To amend section 10 of chapter 375 of the Acts of the year 1872, relating to the organization of mutual fire-insurance companies.

On motion of Mr. Lynde,

Ordered, That when the Senate adjourns, it be to meet on Tuesday next at two o'clock, P.M. Adjournment.

Adjourned.

TUESDAY, March 5, 1878.

Met according to adjournment.

The journal of Friday was read.

Mr. Brown, from the committee on the Judiciary, to whom was referred the petition of the County Commissioners of the County of Barnstable, reported, Barnstable County, commissioners of.

A bill to enable the commissioners of Barnstable County to borrow money for the purpose of constructing a jail and house of correction in said county and for other purposes; and the same was read and ordered to a second reading.

Mr. Adams, from the committee on the Treasury, reported the bill in further addition to an act making appropriations for the maintenance of the government during the present year without amendment; and the same was ordered to a second reading. Appropriations.

Mr. Knowlton of Bristol presented a petition of F. A. Milliken and others, in aid of that of Alanson Borden and others. Alanson Borden et als.

Referred to the committee on Railroads.

Sent down for concurrence.

Came up concurred.

Mr. Brown presented remonstrances of Auren Smith and others; District Court for Southern Berkshire.

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J. H. Rowley and others; and
J. L. Dodge and others, severally *against;* and
Mr. Canfield, a petition of Edward McDonald and others in *aid* of, the abolition of the District Court for Southern Berkshire.
Referred to the committee on the Judiciary.

Papers from the House.

Insurance agents. A bill relating to insurance agents and brokers was read, and referred to the committee on the Judiciary.

Bills. Bills,
Relating to the supervision of co-operative saving fund and loan associations (on the special report of the Insurance Commissioner);
Concerning mutual marine and mutual fire and marine insurance companies (on the same as above);
To authorize the city of Newton to lay and maintain a main drain in the town of Watertown (on the petition of said city);
In relation to signs at railroad crossings (on the report of the Railroad Commissioners); were severally read and ordered to a second reading.

Reports. Reports, that it is inexpedient to legislate, of the committee on Insurance;
On the order relative to requiring bonds of insurance companies instead of their agents; and
On the order relative to amendment of chapter 141 of the Acts of the year 1873 relative to the taxation of insurance companies; and
Reports, granting leave to withdraw,
Of the committee on the Fisheries, on the petition of A. C. Fish and others; and
Of the committee on Railroads, on the petition of Briggs Mann and others, were severally read, and placed in the orders of the day for to-morrow.

Attendance of children at school. *Ordered*, in concurrence, That the committee on Education consider what, if any, change is expedient in chapter 279, of the Acts of 1873, relative to the attendance of children at school.

Forests. Also, That the committee on Agriculture consider the expediency of legislation for the preservation and growth of forests and the encouragement thereof;

Fees paid to public officers. Also, That the committee on Expenditures consider the expediency of providing by law, that clerks of courts, and

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other public officers receiving fees, be paid regular salaries, and that all fees be paid into the public treasuries.

Old South Meeting-house.

Petitions of
William I. Bowditch and others;
Nathaniel A. Newton and others; and
S. B. Phinney and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal relations.

Seining in Buzzard's Bay.

Remonstrances of
E. C. Howard and others;
Isaac N. Keith and others; and
Samuel Fessenden and others, severally against any change in the law relative to seining in Buzzard's Bay, were referred to the committee on the Fisheries.

Soldiers' Home.

Petitions of
E. T. Harwell and others;
John W. Chandler and others;
F. M. Stone and others;
E. P. Clark and others;
N. A. Greenwood and others;
W. H. H. Bryant and others;
Arthur H. Batchelder and others;
William F. Draper and others;
Wesley A. Gove and others;
John D. Currier and others;
Henry H. Fisher and others;
H. A. Hammond and others;
Henry Harlow and others;
J. B. Fairbanks and others;
R. C. Waterman and others; and
William H. Cushman and others, severally for the establishment of a Soldiers' Home in Massachusetts, were referred to the committee on Military affairs.
Severally in concurrence.

Bills enacted and laid before the Governor.

The following engrossed bills (the first of which originated in the Senate) passed to be enacted, to wit: —
To extend the time for commencing and completing the Cape-Cod Ship Canal, and to reduce the capital stock of the company;
Relating to dividends of joint-stock fire, marine, and fire-marine insurance companies;
Relating to the attorney, in this Commonwealth, of insurance companies of other states and countries;
To extend the time for applications for damages for

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land taken for the location of the Massachusetts Central Railroad.

Resolves passed, and laid before the Governor.

The following engrossed resolves (both of which originated in the House) passed, and, with the above-named bills, were laid before the Governor for his approval, to wit:

Granting county taxes,

In favor of Abby A. Dike.

Death of Hon. Henry Francis Barker.

Mr. Ely announced the death of Hon. Henry Francis Barker, member of the Senate from the First Norfolk District, which took place at Quincy on Saturday last at nine and one-half o'clock, A.M.

Thereupon, on motion of the same senator, it was ordered, that a committee of three be appointed, to consider and report what action the Senate should take in reference to the decease of the Hon. Henry Francis Barker, member of the Senate from the First Norfolk District.

And Messrs. Ely, Holmes, and Ropes were appointed said committee.

The Senate thereupon adjourned.

WEDNESDAY, March 6, 1878.

Met according to adjournment.

The journal of yesterday was read.

Worcester County.

Mr. Breed, from the committee on the Treasury, reported the bill to authorize the County Commissioners of Worcester County to borrow money for certain purposes; and

Hardwick.

The resolve in favor of the town of Hardwick, severally without amendment; and

Mr. Russell, from the committee on the Judiciary, on the bills,

Boston Harbor.

To confer criminal jurisdiction upon certain municipal courts in Boston over the islands and waters of Boston Harbor;

Recovery of dower.

To amend section 2 of chapter 135 of the General Statutes, relating to the recovery of dower; and

Mr. White of Plymouth, from said committee on the bills,

Builders' Loan and Fund Corporation.

To revive the Builders' Loan and Fund Corporation for certain purposes;

Protection of witnesses before the Legislature.

To protect witnesses testifying before the Legislature, or before legislative committees; and

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Mr. Brown from the same committee, on the relating to surrender by bail or sureties in certain cases, severally reported that said bill ought to pass; and they were ordered to a second reading. Bail or sureties.

Mr. Gregory, from the committee on Agriculture, on the petitions of

Albert L. Murdock and others; and A. L. Murdock et als.

L. E. Lane and others, reported that the petitioners have leave to withdraw. L. E. Lane et als.

The same senator, from the same committee, on the order relative to withholding premiums from agricultural societies which offer premiums on trial of the speed of horses; and Agricultural Societies.

Mr. Brown, from the committee on the Judiciary, on the order relative to the taking of depositions in other states, to be used in the courts in this State, severally reported that it is inexpedient to legislate thereon; and these reports were severally read, and placed in the orders of the day for to-morrow. Depositions.

Mr. Abbott presented a remonstrance of J. R. Hayes and others, against the petition of the city of Lowell for authority to discontinue a free landing-place in said city. Lowell.

Referred to the committee on Roads and Bridges.

Sent down for concurrence.

Came up concurred.

Papers from the House.

The Senate bill to amend chapter 49 of the General Statutes, in relation to the inspection and survey of lumber, ornamental wood, and ship timber, came up concurred, with certain amendments which were adopted in concurrence. Lumber.

The Senate bill relating to replevin bonds came up concurred with certain amendments; and the same was laid on the table. Replevin bonds.

Bills, Bills.

To incorporate the Central Cemetery Association of Randolph;

To amend an act establishing the terms of the Probate Court in the county of Bristol, were severally read, and referred to the committee on Probate and Chancery.

A bill concerning the Treasurer and Collector of the city of Cambridge was read, and referred to the committee on the Judiciary.

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Attleborough Bank.

A bill to revive the charter of the Attleborough Bank for certain purposes (on the petition of D. Evans and others) was read, and ordered to a second reading.

High schools.

Reports, of the committee on Education, that it is inexpedient to legislate on the order relative to amending the laws obliging towns to maintain high schools; and

Text-books in schools.

On the order relative to changing the method of voting by school committees in making changes in text-books in the public schools; and

Newburyport Mutual Fire Insurance Company.

A report of the committee on Insurance, granting leave to withdraw, on the petition of the Newburyport Mutual Fire Insurance Company, were severally read, and placed in the orders of the day for to-morrow.

Old South Meeting-House.

Petitions of
Hilary Bygrave and others;
Charles H. French and others;
Henry A. Martin and others, severally in aid of the preservation of the Old South Meeting-House, were severally referred to the committee on Federal relations.

Samuel Butler et als.

A petition of F. U. Ripley and others, in aid of that of Samuel Butler and others, was referred to the committee on Towns.

Buzzard's Bay.

Remonstrances of
Moses Swift and others; and
Noah Hammond and others, severally against any change in the laws relative to seining in Buzzard's Bay, were referred to the committee on the Fisheries.

Soldiers' Home.

Petitions of
Henry F. Ford and others;
A. A. Seaverns and others;
John Morrissey and others;
John Forsyth and others;
Lewis G. Holt and others;
John L. Ruffin and others;
Ezra Sawyer and others;
George H. Andrews and others;
A. P. Whitcomb and others;
Rufus R. Wade and others;
William D. Chamberlain and others;
E. J. Shaw and others;
Joseph Gregory and others;
Charles S. Stone and others;
Benjamin Andrews and others;
George R. Peirce and others;

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William H. Bosworth and others;

James Lane and others, severally for the establishment of a Soldiers' Home in Massachusetts, were referred to the committee on Military affairs.

Severally in concurrence.

The orders of the day were taken up; and the bills, Bills.

To amend chapter 49 of the General Statutes, in relation to inspection and sale of lime and lime-casks;

Relating to the payment of certain costs and expenses by the town of Lexington;

To extend the time during which the city of Worcester is authorized to lay out a public park, and to establish and maintain a reservoir;

Relating to the removal of the inmates of the State Prison from Boston to Concord;

To enable the commissioners of Barnstable County to borrow money for the purpose of constructing a jail and house of correction in said county, and for other purposes;

Concerning mutual marine and mutual fire and marine insurance companies;

To authorize the city of Newton to lay and maintain a main drain in the town of Watertown;

In relation to signs at railroad crossings, were severally read a second time, and ordered to a third reading.

The Senate bill in relation to compensation for tide-water displaced was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

The Senate bill to authorize the trustees of the United Presbyterian Church of North America to hold real estate in Massachusetts was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

The Senate bill to authorize the town of Marblehead to raise and appropriate money for a portrait of Benjamin Abbot, and for other purposes, was read a third time, and passed to be engrossed.

Sent down for concurrence.

The Senate bill to amend chapters 93, 94, 100, and 109, of the General Statutes, relating to bonds of executors, administrators, trustees, and guardians, was read a third time, and passed to be engrossed.

Sent down for concurrence

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Bills.

The House bills,

Authorizing the Eastern Railroad Company to make leases, or other running contracts, with railroads out of the Commonwealth;

Relating to the water-loan sinking funds in the towns of Malden, Medford, and Melrose, were severally read a third time, and passed to be engrossed in concurrence.

Reports.

The House reports,

On the petition of Inez Snow and others; and

On the orders,

Relative to amending the law regulating the hours of labor in manufacturing establishments;

Relative to the taxation of insurance companies;

Relative to requiring bonds of insurance companies, rather than of their agents when appointed; and

On the petition of A. C. Fish and others, were severally accepted in concurrence.

The orders of the day were laid on the table.

Resolutions on death of Senator Barker.

Mr. Ely, from the special committee appointed under the order relative to the decease of Hon. Francis Barker, reported the following resolutions: —

Resolved, That the Senate of Massachusetts expresses its deep sorrow at the death of the Hon. Henry Francis Barker, the Senator of the First Norfolk District. Born in a New-England town, educated in New-England schools, developed under New-England influences, he exemplified in his life and character a most worthy type of New-England manhood. In all good undertakings of his town and neighborhood, he found a place to fill, and a work to do. Called to public and private positions of high responsibility and trust, he was true to the confidence reposed in him by his fellow-citizens. Dying, he leaves for the comfort of his friends the memory of a life of unsullied integrity, and of faithful devotion to duty.

Resolved, That the warm sympathies of the members of the Senate be tendered to the family of Mr. Barker in this bereavement.

Resolved, That the clerk of the Senate be directed to transmit to the family of the deceased, a certified copy of the foregoing resolutions.

And the resolutions were unanimously adopted.

And the Senate thereupon adjourned.

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THURSDAY, March 7, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Adams, from the committee on the Treasury, reported the resolve in favor of John P. Sawin without amendment; and the same was ordered to a second reading. John P. Sawin.

Mr. Ewing presented a petition of the Massachusetts Fish and Game Protective Association in aid of that of John P. Ordway and others. John P. Ordway et als.

Referred to the committee on Agriculture.

Mr. Brown presented a petition of S. Johnson and others in aid of that of Thomas Mallory. Thomas Mallory.

Referred to the committee on Claims.

Mr. Cate presented a petition of the town of Amesbury, in aid of that of Jonathan Morrill and others. Jonathan Morrill et als.

Referred to the committee on the Fisheries.

Severally sent down for concurrence.

Came up concurred.

Papers from the House.

A bill to supply the town of Wayland with pure water (on the petition of said town) was read, and ordered to a second reading. Wayland.

Bills, Bills.

Fixing the terms of the Superior Court in the county of Bristol;

Relative to the terms of the Superior Court within and for the county of Nantucket, were severally read, and referred to the committee on the Judiciary.

A bill concerning suits upon debts, claims, and assets sold or assigned by executors and administrators, was read, and referred to the committee on Probate and Chancery.

Reports, that it is inexpedient to legislate, Reports.

Of the committee on Mercantile affairs, on the order relative to amending the law concerning public weighers and weighing.

Of the committee on Public charitable institutions, on the order relative to amending the law concerning alien passengers; and

Reports, granting leave to withdraw,

Of the committee on Claims, on the petitions of John

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Sheridan, and Mrs. Mary A. Derby, were severally read, and placed in the orders of the day for to-morrow.

Woman Suffrage.

A petition of Horace Chase and others, that the right of suffrage may be granted to woman, was referred to the committee on that subject.

Buzzard's Bay.

A remonstrance of F. A. Nye and others, against any change in the law relative to seining in Buzzard's Bay, was referred to the committee on the Fisheries.

Boston.

A petition of the mayor of Boston, for an act ceding to the city of Boston certain flats on Charles River, was referred to the committee on Public Lands.

Old South Meeting-House.

Petitions of
Elias Richardson and others;
James H. Ames and others; and
William H. Carberry and others, severally in aid of the preservation of the old South Meeting-House, were referred to the committee on Federal relations.

Soldiers' Home.

Petitions of
Edward H. Cody and others;
C. P. Baldwin and others;
T. L. Keyes and others;
James H. Ellis and others;
Oliver Shaw and others;
William W. Carruth and others;
George H. Buck and others;
Henry Green and others;
J. C. Bowker and others;
George J. Hinds and others;
William W. Willis and others;
W. H. Wales and others;
William A. Linehan and others;
Charles W. Hildreth and others;
Henry H. Pomeroy and others;
Galen Hollis and others;
A L. Barnett and others;
James P. King and others; and
William Crane and others, severally for the establishment of a Soldiers' Home in Massachusetts, were referred to the committee on Military affairs.

Severally in concurrence.

Bills.

The orders of the day were taken up, and the bills,
Relating to surrender by bail or sureties in certain cases;
To protect witnesses testifying before the Legislature, or before legislative committee;

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To amend section 2 of chapter 135 of the General Statutes, relating to the recovery of dower;

To confer criminal jurisdiction upon certain municipal courts in Boston over the islands and waters of Boston Harbor;

To authorize the County Commissioners of Worcester County to borrow money for certain purposes;

To revive the charter of the Attleborough Bank for certain purposes;

To revive the Builders' Loan and Fund Corporation for certain purposes; and

The resolve in favor of the town of Hardwick, were severally read a second time, and ordered to a third reading.

Also, the bill relating to the supervision of co-operative saving-fund and loan associations.

The Senate bill to enable the Commissioners of Barnstable County to borrow money for the purpose of constructing a jail and house of correction in said county, and for other purposes, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Bills.

The House bills,

To extend the time during which the city of Worcester is authorized to lay out a public park, and to establish and maintain a reservoir;

Relating to the removal of the inmates of the State Prison from Boston to Concord;

Concerning mutual marine and mutual fire and marine insurance companies;

To authorize the city of Newton to lay and maintain a main drain in the town of Watertown;

In relation to signs at railroad-crossings, were severally read a third time, and passed to be engrossed in concurrence.

The Senate bill to amend chapter 49 of the General Statutes, in relation to inspection and sale of lime and lime-casks, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Reports.

The Senate reports, on the petitions of

Albert L. Murdock and others;

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L. E. Lane and others; and

The Newburyport Mutual Fire Insurance Company, were severally accepted, the last in concurrence, and the first two sent down for concurrence.

Reports.

The House reports,

On the order relative to a change in the mode of voting by school committees in regard to text-books in the public schools; and

On the order relative to amending the law obliging towns to maintain high schools, were accepted in concurrence.

The Senate report on the order relative to the taking of depositions in other states, to be used in the courts in this state, was accepted.

The report on the petition of Briggs Mann and others was laid on the table.

Bills enacted, and laid before the Governor.

The orders of the day were laid on the table.

The following engrossed bills (the first three of which originated in the Senate) passed to be enacted; to wit: —

Regulating the appointment of pilots for the port of Marblehead;

Concerning the maintenance of Chelsea Bridge;

To enable the Bristol-County Agricultural Society to obtain its state bounty;

To authorize the Boston and Lowell Railroad Corporation to widen its freight-bridge across Charles River;

To amend an Act to incorporate the Trustees of the Tufts College;

In relation to main drains and common sewers in the town of West Springfield.

Resolve passed, and laid before the Governor.

An engrossed resolve in favor of Company C, Eighth Regiment, Massachusetts Volunteer Militia (which originated in the House), passed, and, with the above-named bills, was laid before the Governor for his approval.

Evangelical Baptist Benevolent and Missionary Society.

The Senate resumed the consideration of the unfinished business of yesterday, viz.: —

"Bill to amend the Act incorporating the Evangelical Baptist Benevolent and Missionary Society," the question being on ordering to a third reading; but, before taking the question, the Senate

Adjourned.

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FRIDAY, March 8, 1878.

Met according to adjournment.

The journal of yesterday was read.

J. F. Blackinton et als.

Mr. White of Suffolk presented a report from the committee on Education, on the petition of J. F. Blackinton and others and Henry R. Smith and others, the same being that the further consideration thereof be referred to the next General Court; and the report was read, and placed in the orders of the day for Monday.

Ibid.

The same Senator presented petitions of William B. Graves and others, the school committee of the town of Athol, and the school committee of the town of Granville, severally in relation to the same subject; and they were placed on file.

Joint rules and orders.

Mr. Russell, from the committee on Rules and Orders of the Senate, to whom was referred the House order in relation to amendment of rule 23 of the joint rules and orders, reported that said order should be adopted; and the report was read, and placed in the orders of the day for to-morrow.

Constitution.

Mr. Swett presented a petition of George Cogswell and others, for an amendment of Constitution providing for biennial sessions of the General Court; also for biennial elections of state officers.

Referred to the committee having charge of the subject.

Sent down for concurrence.

Came up concurred.

Papers from the House.

Bills.

Bills,

Relating to the venue of certain actions in police, district, and municipal courts (being a new draft of the Senate bill of the same title);

To amend an Act relating to the par value of shares in corporations;

Concerning the election of moderator in the town of Chatham;

To amend an Act concerning the division of flats, were severally read, and referred to the committee on the Judiciary.

Report of commissioners on taxation.

A resolve relating to the printing of additional copies of the report of the Commissioners on Taxation of the year eighteen hundred seventy-five (in a new draft of the Sen-

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ate resolve in relation to the subject) was read, and referred to the committee on the Treasury.

E. Drew et als. A report of the committee on Towns, granting leave to withdraw, on the petition of E. Drew and others, was read, and placed in the orders of the day for Monday.

Raynham Co-operative Boot and Shoe Company. A report of the committee on Manufactures, discharging the committee from the further consideration of the petition of the Raynham Co-operative Boot and Shoe Company, was accepted in concurrence.

Old South Meeting House. Petitions of
F. E. Francis and others; and
Josiah F. Stone and others, severally in aid of the preservation of the Old South Meeting House, were referred to the committee on Federal relations.

Fitchburg Railroad Company. A petition of the Vermont and Massachusetts Railroad Company, in aid of that of the Fitchburg Railroad Company for authority to sell the Brattleboro' Branch Railroad of said Vermont and Massachusetts Railroad Company, was referred to the committee on Railroads.

Commissioners of Essex County. A remonstrance of Philip B. Lindsey and others, against the petition of the Commissioners of Essex County, was referred to the committee on Roads and Bridges.

Petitions of
Charles B. Rice and others;
T. J. Driscoll and others;
J. Warren Bigelow and others;
Henry P. Woodbury and others;
M. P. Palmer and others;
C. P. Lawrence and others;
A. F. Baker and others;
L. A. Horton and others; and
Edwin Mansfield and others, severally for the establishment of a Soldiers' Home in Massachusetts, were referred to the committee on Military affairs.

Severally in concurrence.

Evangelical Baptist Benevolent and Missionary Society. The orders of the day were taken up; and the bill to amend the Act incorporating the Evangelical Baptist Benevolent and Missionary Society was ordered to be placed in the orders of the day for to-morrow.

Appropriations. The bill in further addition to an Act making appropriations for the maintenance of the government during the present year; and

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The resolve in favor of John P. Sawin, were severally read a second time, and ordered to a third reading. John P. Sawin.

The bill to amend an Act relating to public warehouses was read a second time amended, and ordered to a third reading. Public warehouses.

The bills,

Relating to the tender and offer of judgment in land-damage and lien cases; Land damages.

To supply the town of Wayland with pure water, were severally read a second time and passed over. Wayland.

The Senate bill relating to the payment of certain costs and expenses by the town of Lexington was read a third time, and amended; also in the title, and passed to be engrossed. Lexington.

Sent down for concurrence.

Came up concurred.

The House bills, Bills.

Relating to the supervision of co-operative saving-fund and loan associations;

Relating to surrender by bail or sureties in certain cases;

To protect witnesses testifying before the Legislature or before legislative committees;

To amend section 2 of chapter 135 of the General Statutes, relating to the recovery of dower;

To confer criminal jurisdiction upon certain municipal courts in Boston over the islands and waters of Boston Harbor;

To authorize the County Commissioners of Worcester County to borrow money for certain purposes;

To revive the Builders' Loan and Fund Corporation for certain purposes;

To revive the charter of the Attleborough Bank for certain purposes; and

The resolve in favor of the town of Hardwick, were severally read a third time, and passed to be engrossed in concurrence. Hardwick.

The Senate report, on the order relative to refusing bounties to agricultural societies granting premiums for trials of the speed of horses; and Agricultural societies.

The House reports,

On the order relative to amending the law concerning public weighers and weighing; and Weighers and weighing.

On the order relative to amending the laws relative to alien passengers; and

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On the petitions of

John Sheridan. John Sheridan; and

Mary A. Derby. Mrs. Mary A. Derby, were severally accepted in concurrence.

Boston. An engrossed bill transferring to the city of Boston the powers now vested in the board of engineers of said city, relating to explosive compounds and other dangerous substances (which originated in the Senate), passed to be enacted, and was laid before the Governor for his approval.

Massachusetts Agricultural College. The annual report of the Trustees of the Massachusetts Agricultural College was taken from the table, and referred to the committee on Agriculture.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Lynde,

Adjournment. *Ordered*, That when the Senate adjourns, it be to meet on Monday next at two o'clock, P.M.

Adjourned.

MONDAY, March 11, 1878.

Met according to adjournment.

The journal of Friday was read.

Butchers' Slaughtering and Melting Association. Mr. Russell, from the committee on the Judiciary, on the petition of the Butchers' Slaughtering and Melting Association, reported,

A bill to authorize said association to increase its capital stock and for other purposes; and the same was read, and ordered to a second reading.

Patrick McCarthy. Mr. Hill, from the committee on Claims, on the petition of Patrick McCarthy; and

Patrick Russell. Mr. White, of Suffolk, from the same committee, on the petition of Patrick Russell, severally reported that the petitioners have leave to withdraw; and these reports were severally read, and placed in the orders of the day for to-morrow.

Land-damage and lien cases. The bill relating to the tender and offer of judgment in land-damage and lien cases was discharged from the orders of the day, and ordered to be placed in the orders of the day for Wednesday next.

The orders of the day were taken up; and the Senate

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bill to amend an Act relating to public warehouses was read a third time, and passed to be engrossed. Public warehouses.

Sent down for concurrence.

Came up concurred.

The Senate resolve in favor of John P. Sawin was read a third time, and passed to be engrossed. John P. Sawin.

Sent down for concurrence.

The House bill in further addition to an Act making appropriations for the maintenance of the government during the present year was read a third time, and passed to be engrossed in concurrence. Appropriations.

The bill to supply the town of Wayland with pure water was further considered. Wayland.

Mr. Sherman proposed an amendment, striking out the 7th section, and substituting therefor a new section, which was adopted, and the bill was ordered to a third reading.

The report on the petitions of J. F. Blackinton and others, and Henry R. Smith and others; and Henry R. Smith et als.

On the order relative to amendment of rule 23 of the joint rules and orders, were accepted. Rules and orders.

Sent down for concurrence.

Came up concurred.

The House report on the petition of E. Drew and others was accepted in concurrence. E. Drew et als.

The annual report of the Manager of the Hoosac Tunnel and the Troy and Greenfield Railroad was taken from the table, and referred to the committee on that subject. Hoosac Tunnel.

The bill relating to replevin bonds was taken from the table, and placed in the orders of the day for to-morrow. Replevin bonds.

Adjourned.

TUESDAY, March 12, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Truell, from the committee on Mercantile affairs, on the petition of Silas Mosman and others, reported, Maple-Grove Cemetery.

A bill to incorporate the Proprietors of Maple-Grove Cemetery; and the same was read, and ordered to a second reading.

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Camp-meetings. Mr. Swett, from the committee on Parishes and Religious Societies, on the bill to amend section 1 of chapter 59 of the Acts of the year 1867, concerning the protection of camp-meetings; and

Chatham. Mr. Merriam, from the committee on the Judiciary, on the bill concerning the election of moderator in the town of Chatham; and

Venue of actions. Mr. Brown, from the same committee on the bill relating to the venue of certain actions in police, district, and municipal courts; and

Commissioners on taxation. Mr. Adams, from the committee on the Treasury, on the resolve relating to the printing of additional copies of the Report of the Commissioners on Taxation of the year 1875, severally reported that these bills and the resolve ought to pass; and they were ordered to a second reading.

Surgeon-General. Mr. Winn, from the committee on Military affairs, on the order relative to the abolition of the office of Surgeon-General; and

Contract between the State and the Boston and Albany Railroad Company. Mr. Russell, from the committee on the Judiciary, on the communication from the Attorney-General in reply to an order of the Senate, asking his opinion as to certain contracts between the Commonwealth and the Boston and Albany Railroad Corporation, severally reported that it is inexpedient to legislate thereon.

Mary A. Coburn et als. Mr. White of Plymouth, from the committee on the Judiciary, on the petition of Mary A. Coburn and others, and

Gyles Merrill et als. Mr. Truell, from the committee on Parishes and Religious Societies, on the petition of Gyles Merrill and others, severally reported that the petitioners have leave to withdraw.

State Prison. Mr. Truell, from the committee on Prisons, on the order relative to the removal of the prisoners from the State Prison at Charlestown to the State Prison at Concord, reported that it is inexpedient to legislate thereon; and the report was read, and placed in the orders of the day for to-morrow.

Savings banks. Mr. Holmes, from the committee on Banks and Banking, on the order in relation to the subject, reported,

A bill for the exemption from taxation of deposits in savings banks invested in United-States securities; and

On an order in relation to the subject,

Ibid. A bill in regard to collateral securities of savings banks and trust companies; and these bills were severally read, and ordered to a second reading.

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Mr. Brown presented a remonstrance of E. S. Merrill and others, against the petition of Charles Field and others. Charles Field et als.

Referred to the committee on the Judiciary.

Papers from the House.

Bills, Bills.

To authorize the city of Boston to borrow money for the purchase and improvement of land for the purposes of a public park;

Relating to the venue of prosecutions for embezzlement, were severally read, and referred to the committee on the Judiciary.

Remonstrances of Samuel Butler et als.

The Vineyard Grove Company,

G. N. Collins and others, and

William Leach and others, severally against the petition of Samuel Butler and others, were referred to the committee on Towns.

A petition of the Selectmen of Marion, in favor of amendment of the law relative to seining in Buzzard's Bay; and Buzzard's Bay.

Remonstrances of Ibid.

Franklin Nye and others, and

C. P. Horton and others, severally against the same, were referred to the committee on the Fisheries.

A petition of Charles W. Eliot and others, in aid of the preservation of the Old South Meeting-House, was referred to the committee on Federal relations. Old South Meeting House.

Petitions of Soldiers' home.

Thomas Wheelock and others;

D. S. Kimball and others;

E. A. Stone and others;

John Scates and others;

Thomas H. Hill and others;

C. A. Taft and others;

John P. Lovell and others;

E. C. Adams and others;

George W. Glazier and others, severally for the establishment of a soldiers' home in Massachusetts, were referred to the committee on Military affairs.

Severally in concurrence.

The orders of the day were taken up; and the bill to authorize the Butchers' Slaughtering and Melting Associa- Butchers' Slaughtering

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and Melting Association. tion to increase its capital stock was read a second time, and ordered to a third reading.

The reports on the petitions of

Patrick Russell. Patrick Russell, and

Patrick McCarthy. Patrick McCarthy, were severally accepted.

Sent down for concurrence.

Evangelical Baptist Benevolent and Missionary Society. The bill to amend the Act incorporating the Evangelical Baptist Benevolent and Missionary Society was further considered.

Whereupon Mr. Hill rose to a point of order, which, being stated, was, "That this bill was reported upon a joint order of the two branches, whereas rule twenty-second of the joint rules and orders of the two Houses requires that bills of this character shall only be reported upon petition duly presented and referred."

The President ruled that the point of order was well taken, and accordingly no further action was taken on the bill.

Replevin bonds. The bill in relation to replevin bonds was next considered, and the amendment proposed by the House in the third line thereof was rejected. The amendment proposed by the House in the last line was adopted in concurrence.

Adjourned.

WEDNESDAY, March 13, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Beal, from the committee on Public Lands, on the petition of Fred Pope and others, reported

Boston. A bill to authorize the Land Commissioners to convey certain lands in the city of Boston; and the same was read, and ordered to a second reading.

Brockton. Mr. White of Plymouth, from the committee on the Judiciary, to whom was referred the bill to supply the town of Brockton with pure water, reported, asking to be discharged from the further consideration thereof, and that the same be recommitted to the committee on Water Supply and Drainage.

And the report was accepted, and the bill was recommitted.

Statistics. Mr. Adams, from the committee on the Treasury, to

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whom was referred the bill to provide for the collection and publication of statistics, reported, asking to be discharged from the further consideration thereof; and the report was accepted, and the bill was placed in the orders of the day for to-morrow.

Boston.

Mr. Brown, from the committee on the Judiciary, reported the bill concerning the re-location of streets and ways in the city of Boston, without amendment; and the same was ordered to a second reading.

Reports.

Mr. Ewing, from the committee on the Fisheries, on the petitions of

Larkin West and others, and

C. H. Walker and others; and

Mr. Swett from the committee on Roads and Bridges, on the petition of the city of Lowell, for the discontinuance of a free landing-place in said city, severally reported that the petitioners have leave to withdraw; and the reports were read, and placed in the orders of the day for to-morrow.

Antietam Cemetery in Maryland.

Mr. Palmer, from the committee on Federal relations, on the petition of Henry Edwards, reported

A resolve to amend a resolve in relation to the Antietam Cemetery, in the State of Maryland; and the same was read, and ordered to a second reading.

District Court for Southern Berkshire.

Mr. Brown presented a petition of George W. Sherman and others, in aid of the establishment of a district court for Southern Berkshire.

Referred to the committee on the Judiciary.

Papers from the House.

Bills.

Bills,

Extending the powers of assessors of taxes (on the petition of the mayor of Boston);

To define and establish the boundary-line between the towns of Hanover and Rockland (on the petition of E. R. Studley and others); and

State Printing.

A resolve relating to the contract for the State printing (on an order in relation to the subject), were severally read, and ordered to a second reading.

Bills.

Bills,

In addition to an Act establishing the city of Salem;

Relative to the Board of Overseers of the Poor in the

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city of Springfield, were severally read, and referred to the committee on the Judiciary

Wills. A bill to amend section 10 of chapter 92 of the General Statutes, relating to subscribing witnesses to wills, was read, and referred to the committee on Probate and Chancery.

Medicine and pharmacy in Boston. A report of the committee on Water Supply and Drainage, that it is inexpedient to legislate on the order relative to regulating the practice of medicine and pharmacy in Boston; and a report of the same committee, granting leave to withdraw, on the petition of the mayor of Boston, in relation to the same subject, were severally read, and placed in the orders of the day for to-morrow.

Woman suffrage. A petition of Maria S. Porter and others, that women who pay taxes may have the right to vote for municipal and county officers, was referred to the committee on Woman Suffrage.

George D. Eldridge et als. A petition of H. A. Sherman and others, in aid of that of George D. Eldridge and others; and

Willard Marcy et als. A petition of H. A. Sherman and others, in aid of the petition of Willard Marcy and others, were referred to the committee on Railroads.

George Mitchell et als. A petition of George Mitchell and others, for the better protection of women and children in manufacturing establishments, was referred to the committee on Labor.

Old South Meeting-House. Petitions of G. C. W. Fuller and others;
William Gaston and others; and
Augustus J. Sawyer and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal relations.

Soldiers' Home. Petitions of
D. P. Grosvenor and others;
William H. Ruddick and others;
C. F. Luther and others;
S. C. Small and others;
C. H. French and others;
A. W. Sturdy and others;
J. K. Axtell and others; and
Levi P. Brown and others, severally for the establishment of a soldiers' home in Massachusetts, were referred to the committee on Military affairs.

Severally in concurrence.

State Reform School for Boys. A bill making further appropriation for the expenses of the State Reform School for Boys came up referred to the

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committee on Public Charitable Institutions; and the same was laid on the table.

The orders of the day were taken up; and the bills, — Bills.

To amend section 1 of chapter 59 of the Acts of the year 1867, concerning the protection of camp-meetings;

To incorporate the Proprietors of Maple-Grove Cemetery;

Concerning the election of moderator in the town of Chatham;

Relating to the venue of certain actions in police, district, and municipal courts, were severally read a second time, and ordered to a third reading.

The bill in regard to collateral securities of savings banks and trust companies; and

The resolve relating to the printing of additional copies of the Report of the Commissioners on Taxation of the year 1875, were severally read a second time, amended, and ordered to a third reading. Taxation Report.

The bill for the exemption from taxation of deposits in savings banks invested in United-States securities was laid on the table. Savings Banks.

The House bill to supply the town of Wayland with pure water was read a third time, as heretofore amended, and passed to be engrossed in concurrence with the amendment, which was sent down for concurrence. Wayland.

Came up concurred.

The Senate bill to authorize the Butchers' Slaughtering and Melting Association to increase its capital stock was read a third time, and passed to be engrossed. Butchers' Slaughtering and Melting Association.

Sent down for concurrence.

The bill relating to the tender and offer of judgment in land-damage and lien cases was further considered. Land-damage cases.

Mr. White proposed an amendment to that proposed by Mr. Ely, which was adopted; and said amendment, as amended, was rejected. The bill, as heretofore amended, was then passed to be engrossed.

Sent down for concurrence.

The report on the order relative to the removal of the prisoners from Charlestown to Concord was laid on the table. State Prison.

The report on the communication from the Attorney-General, touching certain contracts between the Common- Contracts between the State and the

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Boston and Albany Railroad Company.

wealth and the Boston and Albany Railroad Company, was accepted.

Reports.

The Senate reports,

On the order relative to the abolition of the office of Surgeon-General; and

On the petition of Gyles Merrill and others, were accepted.

Sent down for concurrence.

Came up concurred.

The Senate report on the petition of Mary A. Coburn was accepted.

Bills and resolve enacted, and laid before the Governor.

The following engrossed bills (the first five of which originated in the Senate) passed to be enacted, to wit: —

To amend section 6 of chapter 293 of the Acts of the year 1870, to incorporate the town of Mashpee.

To enable the County Commissioners of Franklin County to borrow money on account of the Sunderland Bridge.

To enable the American Molded Collar Company to reduce the par value of its shares of capital stock.

For the protection of the public against unsafe and dangerous buildings in cities.

To permit the continuance by justices of the peace of civil process before trial justices.

Authorizing the Eastern Railroad Company to make leases, or other running contracts, with railroads out of the Commonwealth.

Relating to surrender by bail or sureties in certain cases.

Concerning mutual marine and mutual fire and marine insurance companies.

To confer criminal jurisdiction upon certain municipal courts in Boston over the islands and waters of Boston Harbor.

To revive the Builders' Loan and Fund Corporation for certain purposes.

To revive the charter of the Attleborough bank for certain purposes.

To protect witnesses testifying before the Legislature or before legislative committees.

Relating to the Water-Loan Sinking Funds in the towns of Malden, Medford and Melrose.

To authorize the County Commissioners of Worcester County to borrow money for certain purposes.

Relating to the supervision of Co-operative Saving-Fund and Loan Associations.

In further addition to an Act making appropriations

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for the maintenance of the government during the present year.

An engrossed resolve in favor of the town of Hardwick (which originated in the House) passed, and, with the above-named bills, was laid before the Governor for his approval.

Adjourned.

THURSDAY, March 14, 1878.

Met according to adjournment.

The journal of yesterday was read.

Brockton.

Mr. Ropes, from the committee on Water Supply and Drainage, to whom was recommitted the bill to supply the town of Brockton with pure water, reported the same in a new draft.

Fidelity Assurance Company of Massachusetts.

Mr. Truell, from the committee on Mercantile affairs, on petition of the Fidelity Assurance Company, reported

A bill to amend chapter 153 of the Acts of the year 1877, entitled "An Act to incorporate the Fidelity Assurance Company of Massachusets."

Mr. Beal, from the committee on Roads and Bridges, on the petition of Francis W. Stebbins and others, reported

Deerfield and Montague.

A bill abolishing the tolls on the Connecticut-River Bridge between the towns of Deerfield and Montague.

Mr. Merriam, from the committee on the Judiciary, on the order in relation to the subject, reported

Set-off.

A bill to amend section 22 of chapter 130 of the General Statutes concerning set-off.

And these bills were severally read, and ordered to a second reading.

Trees, planting of.

Mr. Gregory, from the committee on Agriculture, on the bill concerning the planting of trees, and the tax thereon; also, on an order relative to the preservation of forests and the encouragement of their growth, — reported that the bill ought to pass; and it was ordered to a second reading.

Boston.

Mr. Swett, from the committee on Roads and Bridges, on the petition of the city of Boston for relief from maintaining certain portions of West Boston and Cragie Bridges, reported that the petitioners have leave to withdraw.

Ibid.

The same Senator, from the same committee, on an

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order in relation to the same subject, reported that it is inexpedient to legislate thereon.

History of the State. Mr. Gregory, from the committee on the Library, on the order relative to providing for a more elaborate and detailed history of the State; and

Savings Banks. Mr. Ropes, from the committee on Banks and Banking, on the order relative to prohibiting officers of savings banks from acting as notaries public; and

Ibid. On the order relative to changing the time at which deposits at savings banks shall begin to bear interest,

Severally reported that it is inexpedient to legislate thereon; and these reports were read, and placed in the orders of the day for to-morrow.

Land Commissioners. Mr. Sherman presented a petition of the Land Commissioners for legislation respecting the enforcement of the contracts between the Commonwealth and the Boston and Albany Railroad Company, touching the flats at South Boston.

Referred to the committee on Public Lands.

Sent down for concurrence.

Came up concurred.

Mr. Brown presented

District Court for Southern Berkshire. A remonstrance of Edward Stratton and others against the establishment of a district court for Southern Berkshire.

Referred to the committee on the Judiciary.

Papers from the House.

Bills. Bills,

Relative to the payment of witnesses in criminal proceedings before police, district, and municipal courts;

Authorizing cities and towns to pass ordinances and by-laws for the protection of travellers on streets and public ways;

Relating to trustees and trust-estates;

To amend an Act relating to the rights of husbands and wives, and for the protection of minor children, were severally read, and referred to the committee on the Judiciary.

Reports. Reports granting leave to withdraw,

Of the committee on Railroads, on the petition of Thomas P. Carleton;

Of the committee on Claims, on the petition of

Polly Crowd and Sally Burr, and

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Ellen Sweeney, were severally read, and placed in the orders of the day for to-morrow.

Samuel Butler et als.

A petition of Thomas Smith and another, in aid of that of Samuel Butler and others, was referred to the committee on Towns.

Albert E. Procter et als.

A petition of Albert E. Procter and others, for an Act of incorporation as the Fusileer Veteran Association; and

Soldiers' Home.

A petition of Albert Pinder and others, for the establishment of a soldiers' home in this State, were referred to the committee on Military Affairs.

Dogs.

A petition of H. K. Wight and others, for legislation to diminish the number of dogs, was referred to the committee on Agriculture.

Nantucket and Vineyard Sounds.

A remonstrance of Carlton B. Nickerson and others, against any change in the laws relative to the taking of fish in either Nantucket or Vineyard Sounds, was referred to the committee on the Fisheries.

Severally in concurrence.

Briggs Mann et als.

A report of the committee on Railroads, on the petition of Briggs Mann and others, was taken from the table, and placed in the orders of the day for to-morrow.

Bills.

The orders of the day were taken up; and the bills,

To authorize the Land Commissioners to convey certain lands in the city of Boston;

Concerning the re-location of streets and ways in the city of Boston;

To define and establish the boundary-line between the towns of Hanover and Rockland;

Extending the powers of assessors of taxes; and

Antietam Cemetery.

The resolve to amend a resolve in relation to the Antietam Cemetery in the State of Maryland, were severally read a second time, and ordered to a third reading.

State Printing.

The resolve relating to the contract for the State printing was laid on the table.

Camp-meetings.

The Senate bill to amend section 1 of chapter 59 of the Acts of the year 1867, concerning the protection of camp-meetings, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Savings Banks.

The bill in regard to collateral securities of savings banks and trust companies was read a third time; and the committee on Bills in the Third Reading, having reported

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the same in a new draft, the same was read, and ordered to a second reading.

Bills.

The House bills,

Concerning the election of moderator in the town of Chatham;

Relating to the venue of certain actions in police, district, and municipal courts; and

Taxation report.

The resolve relating to the printing of additional copies of the Report of the Commissioners on Taxation of the year 1875, were severally read a third time, the last as heretofore amended, and passed to be engrossed in concurrence, and the resolve was sent down for concurrence in the amendment.

Statistics.

The bill to provide for the collection and publication of statistics was laid on the table.

Reports.

The Senate reports on the petitions of

The city of Lowell, for the discontinuance of a free landing-place in said city;

Larkin West and others, and

C. H. Walker and others, were severally accepted.

Sent down for concurrence.

Ibid.

The House reports,

On the order relative to regulating the practice of medicine and pharmacy in the city of Boston; and

On the petition of the city of Boston in relation to the same subject, were accepted in concurrence.

Bills enacted and laid before the Governor.

The following engrossed bills (the first two of which originated in the Senate) passed to be enacted, and were laid before the Governor for his approval; to wit: —

To amend chapter 49 of the General Statutes, in relation to the inspection and survey of lumber, ornamental wood, and ship-timber.

To authorize the collection of the price of ornamental wood, timber, and lumber, sold by unsealed measure, or measured by an unsworn measurer.

Relating to the removal of the inmates of the State Prison from Boston to Concord.

To authorize the city of Newton to lay and maintain a main drain in the town of Watertown.

To extend the time during which the city of Worcester is authorized to lay out a public park, and to establish and maintain a reservoir.

In relation to signs at railroad-crossings.

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To amend section 2 of chapter 135 of the General Statues, relating to the recovery of dower.

Adjourned.

FRIDAY, March 15, 1878.

Met according to adjournment.

The journal of yesterday was read.

On motion of Mr. Russell, —

Senator in 1st Norfolk District.

Ordered, That the President of the Senate be directed, in accordance with the 24th article of the amendments of the Constitution, to issue a precept for an election to fill the vacancy in the 1st Norfolk district, occasioned by the death of Hon. Henry F. Barker.

Insurance companies.

Mr. Gogin, from the committee on Insurance, on the order relative to changing the laws in relation to insurance companies with guarantee capital, reported

A bill in relation to mutual fire-insurance companies with a guarantee capital.

Wilbraham. Hampden.

Mr. Adams, from the committee on Towns, on the petition of the town of Wilbraham, and of Decius Beebe and others, in aid of the same; also a petition of Walter Hitchcock and others, relative to the subject, reported

A bill to divide the town of Wilbraham and incorporate the town of Hampden.

Fourth Congregational Precinct in Rochester.

Mr. Swett, from the commitee on Parishes and Religious Societies, on the petition of the Fourth Congregational Precinct in Rochester, reported

A bill to change the name of the Fourth Congregational Precinct in Rochester, and for other purposes; and these bills were severally read, and ordered to a second reading.

John S. Martin et als.

Mr. Swett, from the committee on Roads and Bridges, on the petition of John S. Martin and others, reported that the petitioners have leave to withdraw; and the report was read, and placed in the orders of the day for to-morrow.

Massachusetts Institute of Technology.

Mr. Saunders presented a petition of the Merrimack Manufacturing Company and others in aid of that of the Massachusetts Institute of Technology.

Referred to the committee on Education.

Sent down for concurrence.

Came up concurred.

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Papers from the House.

North Adams. A bill to incorporate the town of North Adams (on the petition of W. W. Freeman and others) was read, and ordered to be placed in the orders of the day for Wednesday, March 20, for a second reading.

Public health. A bill to amend chapter 166 of the General Statutes, relating to offences against the public health, was read, and ordered to a second reading.

Reports,

State Directors of the New-York and New-England Railroad. Of the committee on Railroads, that it is inexpedient to legislate on the order relative to the election of State Directors of the New-York and New-England Railroad Company;

F. S. Rice et als. Of the committee on Claims, granting leave to withdraw, on the petition of F. S. Rice and others;

W. E. Dunham. Of the committee on Street Railways, granting leave to withdraw, on the petition of W. E. Dunham, were severally read, and placed in the orders of the day for to-morrow.

Printing and distribution of the laws. *Ordered*, In concurrence, that the committee on Printing consider the expediency of repealing or amending section 30 of chapter 65 of the Acts of 1866, relating to the publication and distribution of the laws.

General Statutes. Also, That the committee on Printing inquire into the expediency of repealing or amending chapter 18 of the resolves of 1867, relating to the publication and sale of the supplement to the General Statutes.

Street Railways. Petitions of

Charles Hutchins and others; and,

Cobb Brothers & Co. and others, in aid of the proposed change in the law respecting commutation-tickets on street-railways, was referred to the committee on Street Railways.

Soldiers' Home. A petition of William A. Penn and others, for the establishment of a soldiers' home in Massachusetts, was referred to the committee on Military affairs.

Severally in concurrence.

Bills. The orders of the day were taken up; and the bills,

To supply the town of Brockton with pure water;

Abolishing the tolls on the Connecticut-River Bridge between the towns of Deerfield and Montague;

To amend chapter 153 of the Acts of the year 1877, to incorporate the Fidelity Assurance Company of Massachusetts;

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Concerning the planting of trees, and the tax thereon;
To amend section 22 of chapter 130 of the General Statutes, concerning set-off;
Relating to securities held by savings banks and trust companies in pledge or as collateral, were severally read a second time, and ordered to a third reading.

The bill to authorize the Land Commissioners to convey certain lands in the city of Boston was laid on the table. Land Commissioners.

The House bill concerning the re-location of streets and ways in the city of Boston was read a third time, and passed to be engrossed in concurrence. Boston.

The House bill extending the powers of assessors of taxes was read a third time, amended, and passed to be engrossed in concurrence, with the amendment, which was sent down for concurrence. Assessors of taxes.

Came up concurred.

The Senate resolve to amend a resolve in relation to the Antietam Cemetery, in the State of Maryland, was read a third time, and passed to be engrossed. Antietam National Cemetery.

Sent down for concurrence.

Came up concurred.

The bill to incorporate the Proprietors of Maple-Grove Cemetery was read a third time; and the committee on Bills in the Third Reading having reported the same in a new draft, it was read, and ordered to a second reading. Maple Grove Cemetery.

The Senate reports on the orders relative to, Reports.
Releasing the city of Boston from maintaining West Boston and Cragie's Bridges outside of the boundaries of said city;
Publishing a more detailed and elaborate history of the Commonwealth;
Prohibiting officers of savings banks from acting as notaries public in protesting notes;
Changing the time at which deposits in savings banks shall begin to draw interest; and,
On the petition of the city of Boston to be relieved from the support of a portion of West Boston and Cragie Bridges, were severally accepted.

Severally sent down for concurrence.

The House reports on the petitions of Ibid.
Ellen Sweeney,
Polly Crowd and Sally Burr, and

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Thomas P. Carlton, were severally accepted in concurrence.

Newton. An engrossed bill to authorize the city of Newton to establish grades for drainage and sewerage in said city (which originated in the Senate) passed to be enacted, and was laid before the Governor for his approval.

A bill (from the House) for the better protection of depositors in savings banks was read three times under a suspension of the rule, and passed to be engrossed in concurrence.

Appropriations. The Clerk was charged with a message to the House requesting the return to the Senate of the bill in addition to an act making appropriations for the expenses of State Almshouse, the State Workhouse, the State Prisons, the State Primary School, the State Reform School for Boys, the State Industrial School for Girls, the State Detective Force, and for other purposes.

Adjourned.

MONDAY, March 18, 1878.

Met according to adjournment.

The journal of Friday was read.

Sale of hay and straw. Mr. Merriam, from the committee on the Judiciary, on the bill concerning the inspection and sale of hay and straw, reported the same in a new draft, under the title of "Bill to repeal sections 76 and 77 of chapter 49 of the General Statutes, concerning pressed hay and straw."

Dogs. Mr. Gregory, from the committee on Agriculture, to whom was referred the bill relative to the restraining of dogs, and sundry orders and petitions in relation to amendment of the laws relative to dogs, reported

A bill to provide for the licensing and restraining of dogs, and for the recovery of damages for injuries inflicted by them.

Mr. White, from the committee on Probate and Chancery, on an order relative to the subject, reported

Probate accounts. A bill to amend chapter 199 of the Acts of the year 1877, relating to the settlement of probate accounts; and these bills were severally read, and ordered to a second reading.

Mr. Russell, from the committee on the Judiciary, to whom was referred the bill authorizing the Supreme Judi-

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cial court to adjourn to, and hold special terms in, Fall River, reported the same without amendment; and it was read twice, and ordered to a third reading. Supreme Court to hold terms in Fall River.

Mr. White of Plymouth, from the committee on the Judiciary on the bill to regulate the compensation of special justices of district courts, reported that the same ought not to pass; and it was placed in the orders of the day for to-morrow, on the question of rejection. Special Justices of District Courts.

Mr. White of Suffolk, from the committee on Claims, on the petition of Thomas Cahill; and Thomas Cahill.

Mr. Swett, from the committee on Roads and Bridges, on the petition of S. A. Dean and others; and S. A. Dean et als.

Mr. Bishop, from the committee on Woman Suffrage, on the petition of Sarah S. Russell and others, that female tax-payers and owners of property may be allowed to vote in municipal affairs, severally reported that the petitioners have leave to withdraw. Sarah S. Russell et als.

Mr. Flatley, from the committee on Prisons, on the annual report of the Agent for Discharged Convicts, reported that it is inexpedient to legislate thereon; and these reports were severally read, and placed in the orders of the day for to-morrow. Agent for discharged convicts.

Mr. Sherman, from the committee on Mercantile affairs, on the several petitions for the re-survey of lumber, reported, that having heretofore considered the subject, and a bill in relation to the subject having passed the legislature, they recommend that said petitions be placed on file; and the report, being considered, was accepted. Lumber.

Sent down for concurrence.

Came up concurred.

Mr. Merriam presented a remonstrance of Simon E. Pike and others, against the petition of Charles Field and others. Charles Field et als.

Referred to the committee on the Judiciary.

Mr. Knowlton of Bristol presented a petition of David W. Deane and others for the enactment of a law to prevent depredations and trespasses by hunters; and the same was referred, under the 20th joint rule, to the next General Court. Trespasses by hunters.

Mr. Palmer, from the committee on Woman Suffrage, on the petition of William Lloyd Garrison and sundry others in relation thereto, reported Woman Suffrage.

A resolve providing for an amendment of the Constitution, to secure the elective franchise and the right to hold

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office to women; and the same was read, and ordered to a second reading.

Papers from the House.

Attachment of personal property.

A bill relating to the attachment of personal property was read, and referred to the committee on the Judiciary.

Railroads.

A bill concerning the records of locations of railroads (on the annual report of the Railroad Commissioners) was read, and ordered to a second reading.

Thompson's Island.

The Senate bill concerning shell-fish on the shores and flats of Thompson's Island came up concurred, with an amendment which was adopted in concurrence.

Reports.

Reports, that it is inexpedient to legislate,

Of the committee on Insurance, on the order in relation to the issue, by insurance companies, of scrip dividends; and on an order in relation to obliging foreign insurance companies doing business in this state to file a bond to pay all judgments obtained against them in the courts of this state;

Of the committee on Mercantile Affairs, on the order relative to amending section 2 of chapter 224 of the Acts of 1870, relating to manufacturing corporations, were severally read, and placed in the orders of the day for to-morrow.

Vineyard Sound.

Petitions of

J. H. Alley and others; and

Jacob Pocknett and others, for legislation relative to the use of weirs and seines in the waters of Vineyard Sound, were referred to the committee on the Fisheries.

Severally in concurrence.

Bills.

The orders of the day were taken up; and the bills,

To divide the town of Wilbraham, and incorporate the town of Hampden;

To change the name of the Fourth Congregational Precinct in Rochester, and for other purposes;

In relation to mutual fire-insurance companies with a guarantee capital;

To incorporate the Proprietors of Maple-Grove Cemetery;

To amend chapter 166 of the General Statutes, relating to offences against the public health, were severally read a second time, and ordered to a third reading.

The Senate bill abolishing the tolls on the Connecticut-

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River Bridge between the towns of Deerfield and Montague was read a third time, and passed to be engrossed. Deerfield and Montague.

Sent down for concurrence.

Came up concurred.

The Senate bill to amend chapter 153 of the Acts of the year 1877, entitled "An Act to incorporate the Fidelity Assurance Company of Massachusetts," was read a third time, and passed to be engrossed. Fidelity Assurance Company.

Sent down for concurrence.

Came up concurred.

The Senate bill to supply the town of Brockton with pure water was read a third time, and passed to be engrossed. Brockton.

Sent down for concurrence.

Came up concurred.

The Senate bill relating to securities held by savings banks and trust companies in pledge or as collateral was read a third time, and passed to be engrossed. Savings Banks.

Sent down for concurrence.

Came up concurred.

The bill to amend section 22 of chapter 130 of the General Statutes concerning set-off was passed over. Set-off.

The House bill to define and establish the boundary-line between the towns of Hanover and Rockland was read a third time and passed to be engrossed in concurrence. Hanover and Rockland.

The Senate report on the petition of John S. Martin and others was accepted. John S. Martin et als.

Sent down for concurrence.

Came up concurred.

The House reports, on the petitions of William E. Dunham and F. S. Rice and others; and, Wm. E. Dunham, F. S. Rice et als.

On the order relative to the expediency of electing, on the part of the State, directors of the New-York and New-England Railroad Company, were severally accepted in concurrence. Directors of the New-York and New-England Railroad Company.

An engrossed bill for the better protection of depositors in savings banks (which originated in the House) passed to be enacted, and was laid before the Governor for his approval. Savings Banks.

Adjourned.

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TUESDAY, March 19, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Truell, from the committee on Mercantile affairs, on the order in relation to the subject, reported

Hoops, inspection and sale of.

A bill to amend chapter 49 of the General Statutes, in relation to the inspection and sale of hoops.

District courts in Plymouth.

Mr. White of Plymouth, from the committee on the Judiciary, to whom was referred the bill to abolish the Third District Court of Plymouth, and enlarge the jurisdiction of the Second District Court therein; also an order relative to re-districting said county in regard to said courts, reported

A bill to abolish the Third and Fourth District Courts of Plymouth, to enlarge the Second District Court of Plymouth, and to establish the District Court of Southern Plymouth; and these bills were severally read, and ordered to a second reading.

Armory rent paid by sundry cities and towns.

Mr. Hill, from the committee on Claims, on the several petitions of the cities of Taunton, Lowell, Fitchburg, Gloucester, Haverhill, Newburyport and Springfield, and the towns of Ashburnham, Beverly, Concord, Leominster, Medford, Millbury, Marlborough, Plymouth, Westford and Wakefield, reported

A resolve reimbursing sundry cities and towns for payments made on account of rent of armories; and the same was read, and referred to the committee on the Treasury.

Shares in corporations.

Mr. Brown, from the committee on the Judiciary, on the bill to amend an act relating to the par value of shares in corporations, reported that the same ought to pass; and it was ordered to a second reading.

District court of Southern Berkshire.

The same Senator, from the same committee, on the bill to establish the district court of Southern Berkshire, also sundry petitions and remonstrances relative thereto, reported that said bill ought not to pass; and the same was placed in the orders of the day for to-morrow, on the question of rejection.

Geo. B. Emerson.

Mr. White of Suffolk, from the committee on Education, on the petition of George B. Emerson; and

K. E. Terry et als.

Mr. Rogers, from the committee on the Fisheries, on the petition of K. E. Terry and others, relative to fishing for menhaden in Buzzard's Bay; and

On the petition of Isaac W. Read, relative to the catch-

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ing of menhaden in the waters of the Commonwealth, severally reported that the petitioners have leave to withdraw. Isaac W. Read et als.

The same Senator, from the same committee, on the order relative to modifying the laws relative to seining in Buzzard's Bay; and Seining in Buzzard's Bay.

Mr. White of Plymouth, from the committee on the Judiciary on the order relative to the arrest of women on mesne process or execution, severally reported that it is inexpedient to legislate thereon; and these reports were severally read, and placed in the orders of the day for to-morrow. Arrest of women on mesne process.

Papers from the House.

The Senate bills, Bills.

To authorize the appointment of an additional master in chancery for the county of Essex;

To authorize the town of Marblehead to raise and appropriate money for a portrait of Benjamin Abbot, and for other purposes, came up concurred, severally amended; and the amendments were adopted in concurrence.

Bills, Ibid.

To confirm certain acts done by Lyman A. Ely as a justice of the peace;

Relative to funding the floating debt of the city of Fall River, were severally read, and referred to the committee on the Judiciary.

A resolve in favor of the town of Swampscott (on the petition of the selectmen of said town) was read, and referred to the committee on the Treasury. Swampscott.

A bill relating to the advertisements of insurance companies, (on the special report of the Insurance Commissioner,) was read and ordered to a second reading. Insurance companies.

A report of the committee on Towns, granting leave to withdraw, on the petition of the city of Somerville; and Somerville.

A report of the same committee, referring the petition of E. H. Lathrop and others, for annexation of a portion of West Springfield to Springfield, to the next General Court, were severally read, and placed in the orders of the day for to-morrow. E. H. Lathrop et als.

Ordered, In concurrence, that the committee on Public Charitable Institutions be authorized to report in print, in the matter of the petition of Franklin W. Smith and others, for an act of incorporation as the Board of Aid to Land Ownership. Franklin W. Smith et als.

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Samuel Butler et als.

A petition of W. S. Mayhew and others, in aid of that of Samuel Butler and others, was referred to the committee on Towns.

Soldiers' Home.

Petitions of George F. Robinson and others;
H. P. Oakman and others; and
James O. Smith and others, severally for the establishment of a soldiers' home in Massachusetts, were referred to the committee on Military affairs.

Old South Meeting-House.

Petitions of William S. King and others, and
J. Ingersoll Bowditch and others, severally in aid of the preservation of the Old South Meeting-House, were referred to the committee on Federal relations.

Severally in concurrence.

Bills.

The orders of the day were taken up; and the bills,
To repeal sections 76 and 77 of chapter 49 of the General Statutes, concerning pressed hay and straw;
To amend chapter 199 of the Acts of the year 1877, relating to the settlement of probate accounts;
To provide for the licensing and restraining of dogs, and for the recovery of damages for injuries inflicted by them, were severally read a second time, and ordered to a third reading.

Trees, planting of.

The bill concerning the planting of trees, and the tax thereon, was read a third time; and the committee on Bills in the Third Reading having reported the same in a new draft, it was ordered to a second reading.

Railroads.

The bill concerning the records of locations of railroads was read a second time.
Mr. Russell proposed certain amendments thereto, when the bill was passed over, and the amendments ordered to be printed.

Special justices of district courts.

The bill to regulate the compensation of special justices of district courts was, in accordance with the report of the committee thereon, rejected.

Woman Suffrage.

The resolve providing for an amendment of the Constitution, to secure the elective franchise and the right to hold office to women; and

Sarah S. Russell.

The report of the committee on Woman Suffrage, on the petition of Sarah S. Russell, were assigned for consideration on Wednesday next, at 2½ o'clock, P.M.

Thomas Cahill.

The report on the petition of Thomas Cahill was ordered to be placed in the orders of the day for Thursday next.

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Reports.

The Senate reports,

On the annual report of the Agent for Discharged Convicts; and

On the petition of S. A. Dean and other, were severally accepted.

Sent down for concurrence.

Ibid.

The House reports, on the orders relative to,

Amending section 2 of chapter 224, of the acts of 1870, relating to manufacturing corporations;

Authorizing mutual insurance companies to issue scrip, instead of cash dividends;

Requiring foreign insurance companies, doing business in this Commonwealth, to file a bond to pay judgments obtained against them, were severally accepted in concurrence.

Supreme Judicial Court in Fall River.

The Senate bill to authorize the Supreme Judicial Court to adjourn to and hold special terms in Fall River, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Wilbraham. Hampden.

The Senate bill to divide the town of Wilbraham, and incorporate the town of Hampden, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Fourth Congregational Precinct in Rochester.

The Senate bill to change the name of the Fourth Congregational Precinct in Rochester, and for other purposes, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Mutual fire insurance companies.

The Senate bill in relation to mutual fire-insurance companies with a guarantee capital was read a third time, and passed to be engrossed.

Sent down for concurrence.

Proprietors of Maple-Grove Cemetery.

The Senate bill to incorporate the Proprietors of Maple-Grove Cemetery was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Bills.

The House bills,

To amend chapter 166 of the General Statutes, relating to offences against the public health;

To amend section 22 of chapter 180 of the General Statutes, concerning set-off, were severally read a third time, and passed to be engrossed in concurrence.

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Bills enacted, and laid before the governor.

The following engrossed bills (the first of which originated in the Senate) passed to be enacted, and were laid before the Governor for his approval; to wit: —

To amend chapter 49 of the General Statutes, in relation to inspection and sale of lime and lime-casks.

Relating to the venue of certain actions in police, district, and municipal courts.

Concerning the election of moderator in the town of Chatham.

Adjourned.

WEDNESDAY, March 20, 1878.

Met according to adjournment.

The journal of yesterday was read.

Appropriations.

A message was received from the House, returning, in compliance with the request of the Senate, the bill making appropriations for the expenses of State Almshouse, the State Workhouse, the State Prisons, the State Primary School, the State Reform School for Boys, the State Industrial School for Girls, the State Detective Force, and for other purposes.

States Union Telegraph and Telephone Company.

Mr. Truell, from the committee on Mercantile Affairs, on the petition of Erastus P. Carpenter and others, reported

A bill to incorporate the States Union Telegraph and Telephone Company.

Proof of foreign wills.

Mr. Gardner, from the committee on Probate and Chancery, on the Order relative to the subject, reported

A bill relating to the proof of foreign wills.

Public documents.

Mr. Davol, from the committee on Printing, on the several orders in relation to the printing of certain public documents, reported

A bill concerning the preparation, printing, and distribution of public documents; and these bills were severally read, and ordered to a second reading.

Central Cemetery Association of Randolph.

Mr. White of Plymouth, from the committee on Probate and Chancery, on the bill to incorporate the Central Cemetery Association of Randolph, reported that the same ought to pass; and it was ordered to a second reading.

William Giles Dix.

Mr. Palmer, from the committee on Federal relations, on the petition of William Giles Dix; and

Worcester.

Mr. Barton, from the committee on Water Supply and

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Drainage, on the petition of the city of Worcester for authority to take water from Tatnuck Lake, severally reported that the petitioners have leave to withdraw; and these reports were severally read, and placed in the orders of the day for to-morrow.

Committees on Fisheries and Agriculture.

On motions of Messrs. Ewing and Gregory, —

Ordered, That the committees on the Fisheries and Agriculture be allowed ten days in which to report on matters referred to them.

Committee on prisons.

On motion of Mr. Truell, —

Ordered, That the committee on Prisons have further time in which to report on matters referred to them.

Severally sent down for concurrence.

Came up concurred.

Boston.

Mr. Ropes presented a petition of the city of Boston, by the mayor of the same, for amendment of the Act of 1874, for the improvement of Stony Brook and its tributaries; and the same was, under a suspension of the 20th joint rule, referred to the committee on Water Supply and Drainage.

Sent down for concurrence.

Papers from the House.

Bills.

Bills,

To provide additional terms of the Probate Court at Fitchburg in the county of Worcester;

To provide for the appointment of a clerk in the probate-office of the county of Suffolk, were severally read, and referred to the committee on Probate and Chancery.

Commissioners on taxation.

The resolve relating to printing additional copies of the report of the Commissioners of Taxation of the year 1875 came up non-concurred in the amendment proposed therein by the Senate.

Thereupon the Senate insisted on its amendment, and Messrs. Ropes, Davol, and Palmer were appointed a committee of Conference on the subject matter difference between the two houses.

Sent down for concurrence.

Agricultural Societies.

A report of the committee on Taxation, that it is inexpedient to legislate on the order relative to taxation of property of incorporated agricultural societies; and

Edwin Foss et als.

A report of the committee on the Liquor Law, granting leave to withdraw on the petition of Edwin Foss and others; and

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Manufacturing establishments.

A report of committee on Labor, reference to the next General Court on the bill for the better protection of women and children in manufacturing establishments, and petitions in aid of the same, were severally read, and placed in the orders of the day for to-morrow.

Massachusetts Institute of Technology.

A petition of John W. Danielson and others, in aid of that of the Massachusetts Institute of Technology, was referred to the committee on Education.

Soldiers' Home.

Petitions of,

E. J. Franklin and others;

H. F. Moseley and others;

John Hobsen, jun., and others; and,

William H. Tallman and others, severally for the establishment of a soldiers' home in Massachusetts, were referred to the committee on Military affairs.

Old South Meeting-House.

A petition of John Daggett and others, in aid of the preservation of the Old South Meeting-House, was referred to the committee on Federal relations.

Severally sent down for concurrence.

Came up concurred.

Mr. Knowlton of Bristol, from the committee on Railroads, on the petition of Alanson Borden and others, reported,

Boston, Clinton, and Fitchburg and New Bedford Railroad Company.

A bill to authorize the Boston, Clinton, and Fitchburg, and New-Bedford Railroad Company to discontinue its passenger-station in New Bedford; and the same was read, and ordered to a second reading.

Bradford.

Mr. Swett presented a petition of the selectmen of Bradford for confirmation of certain proceedings of said town; and the same was, under a suspension of the 20th joint rule, referred to the committee on the Judiciary.

Subsequently Mr. White of Plymouth reported on said petition,

Ibid.

A bill to confirm the election of moderator in the town of Bradford; and the same was read, and ordered to a second reading.

Bills.

The orders of the day were taken up; and the bills,

To amend chapter 49 of the General Statutes, in relation to the inspection and sale of hoops;

To abolish the Third and Fourth District Courts of Plymouth, to enlarge the Second District Court of Plymouth, and to establish the District Court of Southern Plymouth;

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Concerning the planting of timber-trees and the tax thereon;

To amend an Act relating to the par value of shares in corporations;

Relating to the advertisements of insurance companies, were severally read a second time and ordered to a third reading.

The bill to incorporate the town of North Adams was read a second time. North Adams.

Mr. Hayes proposed an amendment thereto, and the question on the adoption thereof was taken by yeas and nays as follows, to wit: —

Yeas. — Messrs.	Adams,	Day,	Holmes,
	Barton,	Ely,	Palmer,
	Beal,	Gogin,	Rogers,
	Bishop,	Gregory,	Swett,
	Breed,	Hayes,	White, James,
	Brown,	Hill,	Winn, — 19.
	Burrage,		
Nays. — Messrs.	Abbott,	Canfield,	Ewing, — 4.
	Gilbert,		

So the amendment was adopted, and the bill was ordered to a third reading.

The bill to establish the district court of Southern Berkshire was, in accordance with the report of the committee thereon, rejected. District court of Southern Berkshire.

The Senate bill to amend chapter 199 of the Acts of the year 1877, relating to the settlement of probate accounts, was read a third time and passed to be engrossed. Probate accounts.

Sent down for concurrence.

The Senate bill to repeal sections 76 and 77 of chapter 49 of the General Statutes, concerning pressed hay and straw, was read a third time and passed to be engrossed. Hay and straw.

Sent down for concurrence.

Came up concurred.

The bills, Bills.

To provide for the licensing and restraining of dogs, and for the recovery of damages for injuries inflicted by them;

Concerning the records of locations of railroads;

The Senate reports, Reports.

On the order relative to seining in Buzzard's Bay;

On the order relative to the arrest of women on mesne process or execution; and

On the petitions of

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Isaac W. Read and others;
K. E. Terry and others; and
George B. Emerson, were severally accepted.
Sent down for concurrence.

Reports.

The House reports on the petitions of
The city of Somerville, and
E. H. Lathrop and others, were severally accepted in concurrence.

Bills enacted and laid before the governor.

The following engrossed bills (the first of which originated in the Senate) passed to be enacted, and were laid before the Governor for his approval; to wit: —
Relating to compensation for tide-water displaced.
Concerning the re-location of streets and ways in the city of Boston.

Adjourned.

THURSDAY, March 21, 1878.

Met according to adjournment.

The journal of yesterday was read.

State Prison.

Mr. Truell, from the committee on Prisons, on the annual report of the Inspectors of the State Prison, reported
A bill to amend chapter 179 of the General Statutes, in relation to aiding prisoners to escape from the State Prison.

Charles River.

Mr. Hill, from the committee on Harbors, on so much of the Harbor Commissioners' report as relates to the subject, reported
A bill in amendment of an Act to establish harbor lines on Charles River.

Ponds.

Mr. Ewing, from the committee on the Fisheries, on an order in relation to the subject, reported
A bill providing that selectmen may measure ponds, under chapter 82 of the Acts of the year 1874.

Trespass on land.

Mr. Lynde, from the committee on Agriculture, on an order in relation to trespass on land under tillage, reported
A bill to prevent trespass on land.

Domestic animals and poultry.

Mr. Merriam, from the committee on the Judiciary, on an order in relation to encouraging the breeding of poultry, reported
A bill to amend the law in regard to the formation of corporations, so as to include associations for encouraging

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the raising of choice breeds of domestic animals and poultry; and these bills were severally read and ordered to a second reading.

Foster King. Mr. Hill, from the committee on Claims, on the petition of Foster King, reported

A resolve in favor of Foster King; and the same was read and referred to the committee on the Treasury.

Bills. Mr. Russell, from the committee on the Judiciary, on the bills,

Relative to the terms of the Superior Court within and for the county of Nantucket;

To amend an Act authorizing towns to provide for the removal of snow and ice from sidewalks;

Concerning the treasurer and collector of the city of Cambridge;

To amend an Act concerning the division of flats;

Fixing the terms of the Superior Court in the county of Bristol; and

Ibid. Mr. Brown, from the same committee, on the bills,

Relating to sidewalks, crosswalks, common sewers, and main drains in the fire district of the town of Pittsfield, and for other purposes;

To authorize the city of Boston to borrow money for the improvement of land for the purposes of a public park;

To confirm certain acts done by Lyman A. Ely as a justice of the peace;

Relative to the payment of witnesses in criminal proceedings before police, district, and municipal courts; and

Ibid. Mr. White of Plymouth, from said committee, on the bills,

Relating to the venue of prosecutions for embezzlement;

Relative to funding the floating debt of the city of Fall River;

In addition to an Act establishing the city of Salem; and

Ibid. Mr. Merriam, from the same committee, on the bills,

Relative to the board of overseers of the poor in the city of Springfield;

Authorizing cities and towns to pass ordinances and by-laws for the protection of travellers on streets and public ways; and

Resolves. Mr. Adams, from the committee on the Treasury, on the resolves,

In favor of the town of Swampscott;

Re-imbursing sundry cities and towns for payments made

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on account of rent of armories, severally reported that said bills and resolves ought to pass; and they were ordered to a second reading.

Lowell. Mr. Merriam, from the committee on the Judiciary, on the bill for the protection of the public against unsafe and dangerous buildings in the city of Lowell; and

Boston. Mr. White of Plymouth, from the same committee, on the bill in relation to sales of merchandise at temporary stands in the streets of Boston, reported that these bills severally ought not to pass; and they were placed in the orders of the day for to-morrow, on the question of rejection.

On motion of Mr. Winn, —

Committee on the Hoosac Tunnel. *Ordered*, That the committee on the Hoosac Tunnel and the Troy and Greenfield Railroad be allowed further time to report on matters referred to them, and to visit and inspect said railroad during the present session if found necessary for the consideration of said subject.

On motion of Mr. Hill, —

Committee on Claims. *Ordered*, That the committee on Claims be allowed further time in which to report.

Banks and banking. On motion of Mr. Holmes, the committee on Banks and Banking was also granted further time in which to report.

Severally sent down for concurrence.

R. B. Forbes et als. Mr. Saunders presented a petition of George Knight and others, in aid of that of R. B. Forbes and others, for the establishment of a training school for seamen.

Referred to the committee on Education.

Sent down for concurrence.

Came up concurred.

Papers from the House.

Bills. Bills,

To amend section 5 of chapter 11 of the General Statutes, relative to property and persons exempted from taxation (on the order in relation to exempting the real estate, in part, of persons over eighty years of age);

In relation to railroad police (on an order in relation to the subject);

To prevent deception in sales of butter (on the petition of George E. Mitchell and others), were severally read and ordered to a second reading.

A report of the committee on the Fisheries, granting leave

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to withdraw, on the petition of Silas P. Pells and others; and

Silas P. Pells et als.

A report of the committee on Insurance, that it is inexpedient to legislate on the order relative to authorizing cities and towns to insure property within their limits, against losses by fire, were severally read and placed in the orders of the day for to-morrow.

Cities and towns to insure property.

Ordered, in concurrence, That an extension of ten days be granted to the committee on Taxation, in which to complete the consideration of, and to report on, the various matters now before them.

Committee on Taxation.

Also, That the committee on Education have further time, not exceeding seven days, in which to report upon matters which have been referred to them.

Committee on Education.

Petitions of Michael Coyle and others, and George H. Teague and others, severally for the establishment of a soldiers' home in Massachusetts, were referred to the committee on Military affairs.

Soldiers' Home.

A petition of Samuel Lane and others in aid of that of R. B. Forbes and others, for the establishment of training schools for seamen, was referred to the committee on Education.

R. B. Forbes et als.

A petition of Levi Emery and others for just and equal taxation was referred to the committee on Taxation.

Levi Emery et als.

A petition of George Sessions and others, in aid of that of C. C. Houghton and others, was referred to the committee on Roads and Bridges.

C. C. Houghton et als.

Severally in concurrence.

The orders of the day were taken up, and the bills,

Bills.

To incorporate the States Union Telegraph and Telephone Company;

Relating to the proof of foreign wills;

To confirm the election of moderator in the town of Bradford;

To authorize the Boston, Clinton, and Fitchburg, and New Bedford Railroad Company to discontinue its passenger-station in New Bedford;

To incorporate the Central Cemetery Association of Randolph, were severally read a second time and ordered to a third reading.

The Senate bill to abolish the Third and Fourth District Courts of Plymouth, to enlarge the Second District Court of Plymouth, and to establish the District Court of

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Southern Plymouth, was read a third time and passed to be engrossed.

Sent down for concurrence.

Bills. The House bills,

To amend an Act relating to the par value of shares in corporations;

Relating to the advertisements of insurance companies, were severally read a third time and passed to be engrossed in concurrence.

Hoops. The Senate bill to amend chapter 49 of the General Statutes, in relation to the inspection and sale of hoops, was read a third time and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Railroads. The bill concerning the records of locations of railroads was passed over.

Thomas Cahill. The report on the petition of Thomas Cahill was considered.

Mr. Flatley proposed, as a substitute therefor, a resolve in favor of Thomas Cahill; and the same was adopted, read and referred to the committee on the Treasury.

Reports. The Senate reports, on the petitions of

The city of Worcester, and

William Giles Dix, were severally accepted.

Sent down for concurrence.

The House reports,

On the order relative to the taxation of agricultural societies;

On the petition of Edwin Foss and others; and

On the bill for the protection of women and children employed in manufacturing establishments and sundry petitions in relation thereto, were severally accepted in concurrence.

New Bedford. The bill to provide a further supply of water for the city of New Bedford was taken from the table.

Mr. Knowlton of Bristol proposed an amendment therein, and the bill was placed in the orders of the day for to-morrow, and the amendment ordered to be printed.

State Printing. The resolve relating to the contract for the State printing was taken from the table and placed in the orders of the day for to-morrow.

The following engrossed bills (the first five of which

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originated in the Senate) passed to be enacted, and were laid before the Governor for his approval, to wit: — Bills enacted and laid before the governor.

To enable stockholders in railroad corporations to subscribe for additional stock upon an increase thereof.

Concerning shell-fish on the shores and flats of Thompson's Island.

To authorize the Trustees of the General Assembly of the United Presbyterian Church of North America to hold real estate in Massachusetts.

To authorize the appointment of an additional master in chancery for the county of Essex.

To authorize the town of Marblehead to raise and appropriate money for a portrait of Benjamin Abbot, and for commemorative tablets in Abbot Hall.

To supply the town of Wayland with pure water.

Adjourned.

FRIDAY, March 22, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Beal, from the committee on Public Lands, on the petition of the mayor of the city of Boston, reported Charles River.

A bill concerning the Commonwealth's flats in Charles River.

The same Senator, from the committee on Roads and Bridges, to whom was recommitted the bill to amend chapter 63 of the Acts of the year 1870, relating to the maintenance of Lagoon Bridge between the towns of Tisbury and Edgartown, reported the same in a new draft. Tisbury and Edgartown, Lagoon Bridge between.

Mr. Russell, from the committee on the Judiciary, on the order in relation to the subject, reported Boston.

A bill to extend the application of sections 6 and 7 of chapter 123 of the General Statutes, in relation to the venue of actions in which the City of Boston is a party.

Mr. Knowlton of Bristol, from the committee on Railroads, on the petition of J. H. Currier and others, reported Princeton and Sterling.

A bill to authorize the construction of a narrow-gauge railroad in Sterling and Princeton; and these bills were read and ordered to a second reading.

Mr. Adams, from the committee on the Treasury, on the resolve in favor of Thomas Cahill, reported that the same ought to pass. Thomas Cahill.

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Nantucket and Dukes Counties.

Mr. Russell, from the committee on the Judiciary, on the bill in relation to the supreme judicial court for the counties of Nantucket and Dukes County, reported that said bill ought to pass with an amendment; and the bill and resolve were ordered to a second reading.

Drunkenness.

Mr. Merriam, from the committee on the Liquor Law, on the bill to provide for the punishment of drunkenness for the first and second offence, reported that said bill ought not to pass; and it was placed in the orders of the day for to-morrow, on the question of rejection.

Steam engines and boilers.

Mr. Gilbert, from the committee on Manufactures, on the order relative to amendment of chapter 88 of the General Statutes, relative to steam engines and boilers; and

General railroad law.

Mr. Knowlton of Bristol, from the committee on Railroads, on the order relative to amendment of the general railroad act, in relation to narrow-gauge railroads; and

Sales of merchandise.

Mr. Knowlton of Worcester, from the committee on Mercantile affairs, on the order relative to the sales of merchandise at auction in towns where no tax is paid on such merchandise, severally reported that it is inexpedient to legislate thereon.

Massachusetts Temperance Alliance.

Mr. Merriam, from the committee on the Liquor Law, on the petition of the Massachusetts Temperance Alliance for a metropolitan police in the city of Boston; and

C. C. Houghton et als.

Mr. Swett, from the committee on Roads and Bridges, on the petition of C. C. Houghton and others, severally reported that the petitioners have leave to withdraw; and these reports were read and placed in the orders of the day for to-morrow.

Papers from the House.

District courts in Bristol County.

A bill giving to the Second District Court of Bristol and the Third District Court of Bristol concurrent jurisdiction in the town of Westport, was read and referred to the committee on the Judiciary.

New York and New England Railroad Company.

A bill concerning the New York and New England Railroad Company (being a substitute for the bill to authorize the New York and New England Railroad Company to take land in Boston for the purpose of increasing its terminal facilities,) was read and ordered to a second reading.

Committee on Prisons.

The Senate order granting further time to the committee on Prisons, within which to report on matters referred to them, came up amended by limiting the time to the first

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day of April next; and the Senate non-concurred in the amendment, and the order was returned to the House.

Ordered, In concurrence, that joint committees have until April first to report upon matters referred to them. Joint committees.

Reports granting leave to withdraw, Reports.

Of the committee on Mercantile affairs, on the petition of G. A. Ashley and others;

Of the committee on Claims, on the petitions of the town of Pittsfield, Bartholomew Cusick, Clarissa B. Hill, Marcella Woods, and Maria G. Dunbar; and

That it is inexpedient to legislate,

Of the committee on Education, on the order relative to authorizing the employment of two or more persons to visit high and grammar schools, to give instruction upon temperance and health, were severally read and placed in the orders of the day for to-morrow.

A petition of John C. Ropes and others, for amendment of the laws in relation to the assessment of taxes, was referred to the committee on Taxation, in concurrence. John C. Ropes et als.

The orders of the day were taken up, and the bills,

To amend chapter 179 of the General Statutes, in relation to aiding prisoners to escape from the State Prison;

Providing that selectmen may measure ponds, under chapter 82 of the Acts of the year 1874; Bills.

To prevent trespass on land;

To amend the law in regard to the formation of corporations, so as to include associations for encouraging the raising of choice breeds of domestic animals and poultry;

Relating to side-walks, cross-walks, common sewers, and main drains, in the fire district of the town of Pittsfield, and for other purposes;

Concerning the treasurer and collector of the city of Cambridge;

To amend an Act authorizing towns to provide for the removal of snow and ice from sidewalks;

Relative to the terms of the Superior Court within and for the county of Nantucket;

Fixing the terms of the Superior Court in the county of Bristol;

To amend an Act concerning the division of flats;

Relating to the venue of prosecutions for embezzlement;

In addition to an Act establishing the city of Salem;

Relative to the board of overseers of the poor in the city of Springfield;

Authorizing cities and towns to pass ordinances and by-

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laws for the protection of travellers on streets and public ways;

To confirm certain acts done by Lyman A. Ely as a justice of the peace;

Relative to funding the floating debt of the city of Fall River;

In relation to railroad police;

To prevent deception in sales of butter; and

Resolves. The resolves,

Re-imbursing sundry cities and towns for payments made on account of rent of armories;

In favor of the town of Swampscott, were severally read a second time, and ordered to a third reading.

Bills. The bills,

Concerning the preparation, printing, and distribution of public documents;

Relative to the payment of witnesses in criminal proceedings before police, district, and municipal courts, were severally read a second time, amended, and ordered to a third reading.

The bills,

To authorize the city of Boston to borrow money for the improvement of land for the purposes of a public park;

Concerning the records of locations of railroads, were severally passed over.

The bill to amend section 5 of chapter 11 of the General Statutes, relative to property and persons exempted from taxation, was laid on the table.

The bill concerning the planting of timber-trees and the tax thereon, was read a third time, amended in the title by striking out the words "the planting," and inserting the words "plantations of"; and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

The bill to incorporate the town of North Adams was read a third time as heretofore amended, and passed to be engrossed in concurrence, with the amendments which were sent down for concurrence.

The bill to provide for the licensing and restraining of dogs, and for the recovery of damages for injuries inflicted by them, was re-committed to the committee on Agriculture.

The bill in amendment of an Act to establish harbor lines on Charles River was laid on the table.

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Bills.

The bill for the protection of the public against unsafe and dangerous buildings in the city of Lowell was, in accordance with the report of the committee thereon, rejected.

The bill in relation to sales of merchandise at temporary stands in the streets of Boston was assigned for Thursday next, at 2½ o'clock, P.M.

The Senate bill to incorporate the States Union Telegraph and Telephone Company was read a third time and passed to be engrossed.

Sent down for concurrence.

The Senate bill relating to the proof of foreign wills was read a third time and passed to be engrossed.

Sent down for concurrence.

The Senate bill to authorize the Boston, Clinton, and Fitchburg and New Bedford Railroad Company to discontinue its passenger-station in New Bedford, was read a third time and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

The Senate bill to confirm the election of moderator in the town of Bradford, was read a third time and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

The House bill to incorporate the Central Cemetery Association of Randolph, was read a third time and passed to be engrossed in concurrence.

The bill to provide a further supply of water for the city of New Bedford was further considered.

Mr. Knowlton of Bristol proposed a further amendment to the same, and it was then passed over.

State printing.

The resolve relating to the contract for State printing was ordered to a third reading.

The House reports,

Reports.

On the order relative to authorizing cities and towns to insure property within their limits against losses by fire; and

On the petition of Silas P. Pells, were accepted in concurrence.

Bills enacted and laid before the governor.

The following engrossed bills (all of which originated in the House) passed to be enacted, and were laid before the Governor for his approval, to wit: —

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To define and establish the boundary-line between the towns of Hanover and Rockland;

To amend chapter 166 of the General Statutes, relating to offences against the public health;

Extending the powers of assessors of taxes.

Adjourned.

MONDAY, March 25, 1878.

Met according to adjournment.

The journal of Friday was read.

Foster King. Mr. Breed, from the committee on the Treasury, reported the resolve in favor of Foster King without amendment; and the same was ordered to a second reading.

Fire escapes. Mr. Day, from the committee on Harbors, on the order in relation to fire escapes on public buildings and manufacturing establishments, reported that it is inexpedient to legislate thereon; and the report was read and placed in the orders of the day for to-morrow.

Harbors. The same Senator from the same committee, on so much of the Governor's address as relates to the subject, reported that legislation is unnecessary thereon; and the report was read and placed in the orders of the day for to-morrow.

Papers from the House.

Bills. Bills,

For the better protection of oyster fisheries in this Commonwealth (on the petition of John M. Kinney and others);

In relation to meetings of the Directors of the Boston and Albany Railroad Company (on the annual report of the State Directors of the same), were severally read and ordered to a second reading.

State Archives. A resolve in addition to a resolve relating to the indexing of the State Archives was read and referred to the committee on the Treasury.

Reports. Reports, that it is inexpedient to legislate,

Of the committee on Public Charitable Institutions;

On the annual reports of the Trustees of the State Industrial School for girls; and

Of the Trustees of the Worcester Lunatic Hospital, and the Commissioners on the Danvers Hospital; and

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Of the committee on Constitutional amendments; on an order relative to biennial sessions of the Legislature, and biennial elections of State officers;

Of the committee on Military affairs, on the order relative to a change in the law respecting State aid to widows and children of soldiers and sailors;

Of the committee on Education, on the order requiring that greater attention shall be given to the teaching of the substantial English branches in the public schools; and

Reports, granting leave to withdraw;

Of the committee on the Fisheries, on the petition of

Sumner Swazey & Currier and others;

Jonathan Morrill and others; and

Hayden Brown and others;

Of the committee on Claims, on the petition of Walter Shanly;

Of the committee on Education, on the petition of the selectmen of Windsor;

Of the committee on Constitutional amendments, on petition of Warner R. Whittier and others for an amendment to the Constitution, providing for biennial sessions of the Legislature, and biennial elections of State officers;

Of the committee on Public Charitable Institutions, leave to withdraw, on the petition of the Trustees of the State Industrial School at Lancaster, for an appropriation to rebuild the houses burned last year, were severally read and placed in the orders of the day for to-morrow.

Birds, birds' eggs and deer.

Mr. Gregory, from the committee on Agriculture, on the petition of the Massachusetts Fish and Game Protective Association, and the bill to amend section 1 of chapter 95 of the acts of 1877, concerning birds; and certain petitions relative thereto, reported

A bill for the preservation and protection of birds, birds' eggs, deer, and game; and the same was read and ordered to a second reading.

Bills.

The orders of the day were taken up, and the bills

Concerning the Commonwealth's flats in Charles River;

To extend the application of sections 6 and 7 of chapter 123 of the General Statutes, in relation to the venue of actions in which the city of Boston is a party;

To amend chapter 63 of the Acts of the year 1870, relating to the maintenance of Lagoon Bridge between the towns of Tisbury and Edgartown;

To authorize the construction of a narrow-gauge railroad in Sterling and Princeton;

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Concerning the New York and New England Railroad Company; and

Thomas Cahill. The resolve in favor of Thomas Cahill, were severally read a second time and ordered to a third reading.

Nantucket and Dukes Counties. The bill in relation to the Supreme Judicial Court for the counties of Nantucket and Dukes County was read a second time, amended as proposed by the committee on the Judiciary and ordered to a third reading.

Drunkenness. The bill to provide for the punishment of drunkenness for the first and second offence was, in accordance with the report of the committee thereon, rejected.

Public documents. The bill concerning the preparation, printing, and distribution of public documents was read a third time, amended and passed over.

State Prison. The Senate bill to amend chapter 179 of the General Statutes, in relation to aiding prisoners to escape from the State Prison, was read a third time and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Measurement of ponds. The Senate bill providing that selectmen may measure ponds under chapter 82 of the Acts of the year 1874 was read a third time and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Trespass on land. The Senate bill to prevent trespass on land was read a third time and passed to be engrossed.

Sent down for concurrence.

Domestic animals and poultry. The Senate bill to amend the law in regard to the formation of corporations, so as to include associations for encouraging the raising of choice breeds of domestic animals and poultry, was read a third time and passed to be engrossed.

Sent down for concurrence.

Bills. The House bills,

Relating to sidewalks, crosswalks, common sewers, and main drains, in the fire district of the town of Pittsfield and for other purposes;

Concerning the treasurer and collector of the city of Cambridge;

To amend an Act authorizing towns to provide for the removal of snow and ice from sidewalks;

Relative to the terms of the Superior Court within and for the county of Nantucket;

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Fixing the terms of the Superior Court in the county of Bristol;

To amend an Act concerning the division of flats;

Relating to the venue of prosecutions for embezzlement;

In addition to an Act establishing the city of Salem;

Authorizing cities and towns to pass ordinances and by-laws for the protection of travellers on streets and public ways;

Relative to the board of overseers of the poor in the city of Springfield;

To confirm certain acts done by Lyman A. Ely as a justice of the peace;

Relative to funding the floating debt of the city of Fall River;

In relation to railroad police; and

The House resolve in favor of the town of Swampscott, were severally read a third time and passed to be engrossed in concurrence. Swampscott.

The House bill relative to the payment of witnesses in criminal proceedings before police, district, and municipal courts, was read a third time, as heretofore amended, and passed to be engrossed in concurrence with the amendment, which was sent down for concurrence. Witnesses.

Came up concurred.

The House bill to prevent deception in sales of butter was read a third time, amended, and passed to be engrossed in concurrence with the amendment, which was sent down for concurrence. Sales of butter.

Came up concurred.

The House resolve relating to the contract for the State printing was read a third time and passed to be engrossed in concurrence. State printing.

The bill to authorize the city of Boston to borrow money for the purchase and improvement of land for the purposes of a public park was recommitted to the committee on the Judiciary. Boston.

The bill to provide a further supply of water for the city of New Bedford was further considered, and the amendments proposed therein by Mr. Knowlton of Bristol were severally adopted, and the bill then passed to be engrossed in concurrence, with the amendments which were sent down for concurrence. New Bedford.

The bill concerning the records of locations of railroads was passed over. Railroads.

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Armory rent. The Senate resolve re-imbursing sundry cities and towns for payments made on account of rent of armories was read a third time, amended and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Reports. The Senate reports on the petitions of

The Massachusetts Temperance Alliance for the establishment of a metropolitan police in the city of Boston; and

C. C. Houghton and others; and

On the orders relative to

Amending chapter 88 of the General Statutes concerning steam-engines, furnaces, and boilers;

The sale of merchandise at auction where no tax is paid on said merchandise;

Amending section 20 of the general railroad law concerning the gauge of railroads, were severally accepted.

Sent down for concurrence.

Ibid. The House reports on the petitions of

G. A. Ashley and Company and others;

Maria G. Dunbar;

Marcella Woods;

Clarissa B. Hill;

Bartholomew Cusick, severally for State aid; and

The town of Pittsfield for reimbursement for moneys paid for armory rent and on the order relative to the employment of instructors in schools on the subject of health and temperance, were severally accepted in concurrence;

North Adams. Mr. Brown moved a reconsideration of the vote by which the bill to incorporate the town of North Adams passed to be engrossed, and the motion being considered, was placed in the orders of the day for to-morrow.

Lexington. An engrossed bill relating to the payment of certain damages, liabilities, costs and expenses of the town of Lexington (which originated in the Senate) passed to be enacted and was laid before the Governor for his approval.

Adjourned.

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TUESDAY, March 26, 1878.

Met according to adjournment.

The journal of yesterday was read.

Massapoag Pond.

Mr. White of Plymouth, from the committee on the Judiciary, on the order relative to the right of the public in Massapoag Pond, reported, asking to be discharged from the further consideration thereof, and that the same be referred to the committee on Water Supply and Drainage; and the report was accepted, and the order sent down for concurrence in the reference.

Came up concurred.

Fitchburg Railroad Company.

Mr. Gilbert, from the committee on Railroads, on the order relative to improvements on its own and leased lines by the Fitchburg Railroad Company;

Boston and Albany Railroad Company.

On the order relative to an inquiry relative to the financial condition of the Boston and Albany Railroad Company; and

Ibid.

On the annual report of the State Directors of the Boston and Albany Railroad Company, reported that it is inexpedient to legislate thereon; and the reports were severally read, and placed in the orders of the day for tomorrow.

Bills.

Mr. Russell, from the committee on the Judiciary, on the bills,

Giving to the Second District Court of Bristol and the Third District Court of Bristol concurrent jurisdiction in the town of Westport;

In relation to the recording and registering of bets and wagers, and the buying and selling of pools, reported that said bills ought to pass, and they were ordered to a second reading.

Boston.

Mr. Day, from the committee on Harbors, on the petition of the city of Boston, reported

A bill to abate a nuisance in the city of Boston, and for the preservation of the public health in said city; and the same was read, and ordered to a second reading.

Public Documents.

Mr. Davol, on leave, introduced

A resolve relative to the distribution of certain public documents; and the same was read, and referred, under a suspension of the twentieth joint rule, to the committee on Printing.

Evangelical Ministers' Association.

The President presented certain resolutions of the Evangelical Ministers' Association of Boston and vicinity, concerning chaplaincies of State institutions; and the same was read, and placed on file.

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Papers from the House.

Bills.

Bills,

To amend chapter 120 of the acts of the year 1869, entitled "An Act to prevent fraud in the sale of cotton sewing-thread" (on the order in relation to the subject);

Requiring returns relating to fires (on an order in relation to the subject);

Relating to foreign insurance companies (on the special report of the Insurance Commissioner);

To incorporate the Trustees of the Public Library of the City of Boston (on the petition of the mayor of the city of Boston,) were severally read, and ordered to a second reading.

Resolves.

A resolve in favor of the Massachusetts School for Idiotic and Feeble-Minded Youth; and

A resolve in favor of Company C, Eighth Regiment Massachusetts Volunteer Militia (on the petition of Capt. Charles O'Hare), were severally read, and referred to the committee on the Treasury.

Executors and Administrators.

A bill limiting the time within which executors or administrators may be cited to take upon themselves the prosecution or defence of actions was read, and referred to the committee on Probate and Chancery.

Butchers' Slaughtering and Melting Association.

The Senate bill to authorize the Butchers' Slaughtering and Melting Association to increase its capital stock came up amended in the title, by substituting therefor the following: —

"Bill relating to the Butchers' Slaughtering and Melting Association;" and the amendment was adopted in concurrence.

Reports.

Reports of the committee on Public Charitable Institutions, that it is inexpedient to legislate on the annual reports of the trustees of

The State Lunatic Hospital at Northampton;

The Perkins Institution and Massachusetts School for the Blind;

The Massachusetts School for Idiotic and Feeble-Minded Youth; and

On the annual reports,

Of the Board of State Charities;

Of the Inspectors of the State Workhouse at Bridgewater; and

A report, reference to the next General Court, of the committee on Railroads, on the petition of Willard Marcy and others; and

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Reports, granting leave to withdraw, Reports.

Of the committee on Claims, on the petition of George Clapp and Frederick H. Ballou; and

Of the committee on Towns, on the petition of Samuel Butler and others; and

Reports, that it is inexpedient to legislate,

Of the committee on Water Supply and Drainage, on an order relative to the sale of tainted fish;

Of the committee on the Fisheries, on an order relative to amending the laws regulating the taking of fish in Vineyard Sound;

Of the committee on Taxation, on the abstract of certificates of corporations organized under the general laws; and

A report of the committee on Prisons, on an order in relation to certain contracts for labor at the House of Correction at East Cambridge, were severally read, and placed in the orders of the day for to-morrow.

A report of the committee on Military affairs, asking to be discharged from the consideration of the resolve in favor of Bridget Murphy of Merrimack, was accepted in concurrence. Bridget Murphy.

A report that it is inexpedient to legislate on the order relative to further legislation in relation to the district court for the county of Essex, was read, and referred to the committee on Expenditures. County of Essex.

A message from the Governor, with estimates of the Inspectors of the State Prison, of the amounts necessary to put in operation the new State Prison, was referred, in concurrence, to the committee on Prisons. State Prison.

A petition of Isaac Damon and others for the establishment of a soldiers' home in Massachusetts was referred, in concurrence, to the committee on Military Affairs. Soldiers' Home.

Mr. Adams, from the committee on the Treasury, reported the Resolve in addition to a Resolve, relating to the indexing of the State Archives, without amendment; and the same was ordered to a second reading. State Archives.

Mr. Ropes, from the committee of Conference on the disagreeing votes of the two houses, in relation to the printing of the report of the Commissioners on Taxation of the year 1875, reported that the committee had been unable to agree, and they asked to be discharged. Commissioners on taxation, report of.

And the report was accepted; and thereupon Messrs.

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Coffin, Bishop, and Canfield were appointed a new committee of Conference in relation to the subject.

Sent down for concurrence.

Florida. Mr. Winn presented a petition of the selectmen of the town of Florida for amendment of the laws in relation to damages for injuries resulting from defects in highways.

Referred to the committee on the Judiciary.

Adams. The orders of the day were taken up; and the motion to reconsider the vote whereby the "bill to incorporate the town of Adams" was passed to be engrossed was carried in the affirmative, and the bill was laid on the table.

Boston and Albany Railroad Company. The bill in relation to meetings of the Directors of the Boston and Albany Railroad Company; and

Foster King. The resolve in favor of Foster King, were severally read a second time, and ordered to a third reading.

Birds, birds' eggs and deer. The bill for the protection of birds, birds' eggs, deer, and game was read a second time, amended, and *refused* a third reading.

Commonwealth's Flats. The bill concerning the Commonwealth's flats in Charles River was recommitted to the committee on Public Lands.

Venue of actions. The Senate bill to extend the application of sections 6 and 7 of chapter 123 of the General Statutes, in relation to the venue of actions in which the City of Boston is a party, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Lagoon Bridge. The Senate bill to amend chapter 63 of the Acts of the year 1870, relating to the maintenance of Lagoon Bridge between the towns of Tisbury and Edgartown, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Sterling and Princeton. The Senate bill to authorize the construction of a narrow-gauge railroad in Sterling and Princeton was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Nantucket and Dukes Counties. The Senate bill in relation to the Supreme Judicial Court for the counties of Nantucket and Dukes County was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

The Senate bill concerning the New York and New

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England Railroad Company was read a third time, and passed to be engrossed. New York and New England Railroad Company.

Sent down for concurrence.

The resolve in favor of Thomas Cahill was read a third time; and, the question on ordering the same to be engrossed was taken by yeas and nays, as follows, to wit: — Thomas Cahill.

YEAS.— Messrs.	Abbott,	Adams,	Barton,
	Beal,	Brown,	Burrage,
	Canfield,	Davol,	Day,
	Ely,	Ewing,	Flatley,
	Gogin,	Hill,	Knowlton, W.
	Palmer,	Ropes,	Russell,
	Truell,	Winn, — 20.	
NAYS.— Messrs.	Gardner,	Sherman,	
	White, James,	White, Jonathan, — 4.	

So the resolve passed to be engrossed.

The Senate bill concerning the preparation, printing, and distribution of public documents, was read a third time, further amended, and passed to be engrossed.

Sent down for concurrence.

The reports on so much of the Governor's Address as relates to harbors; Reports.

On the order relating to further legislation concerning fire-escapes on public buildings and manufactories;

On the annual reports of the trustees of,

The State Industrial School for Girls;

The State Lunatic Hospital at Worcester;

The Commissioners for the erection of the Danvers Hospital; and

On the orders relative to

A more thorough education of children in the public schools in the English branches of study;

Amendment of the act of last year relative to State aid; and

On the petitions of

The State Industrial School for Girls for an appropriation;

Jonathan Morrill and others;

Sumner, Swazey, & Currier and others;

Hayden Brown and others;

Walter Shanly; and

The selectmen of Windsor, were severally accepted, the last twelve in concurrence, and the first two sent down for concurrence.

Came up concurred.

The report on the order relative to an amendment to

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Constitution. the Constitution in respect to biennial sessions of the Legislature, and biennial elections of State officers; and

On the petition of Warner R. Whittier and others, relative to the same subject, were laid on the table.

Oyster fisheries. The bill for the better protection of the oyster fisheries in the Commonwealth was assigned for consideration on Thursday next.

Adjourned.

WEDNESDAY, March 27, 1878.

Met according to adjournment.

The journal of yesterday was read.

Probate office of Suffolk. Mr. White of Plymouth, from the committee on Probate and Chancery, on the bill to provide for the appointment of a clerk in the probate-office of the county of Suffolk; and

Probate court at Fitchburg. Mr. Gardner from the same committee, on the bill to provide additional terms of the Probate Court at Fitchburg, in the county of Worcester, severally reported that these bills ought to pass; and they were ordered to a second reading.

Spencer Borden et als. Mr. Ewing, from the committee on the Fisheries, on the petition of Spencer Borden and others, reported that the petitioners have leave to withdraw; and the report was read, and placed in the orders of the day for to-morrow.

Joseph A. Beauvais et als. Mr. Merriam, from the committee on the Judiciary, on the petition of Joseph A. Beauvais and others, reported, asking to be discharged from the further consideration thereof, and that the same be referred to the committee on Banks and Banking; and the report was accepted, and the petition was sent down for concurrence in the reference.

Came up concurred.

Hinsdale. Mr. Merriam presented a petition of the selectmen of Hinsdale; and

Ashburnham. Mr. Swett, a petition of the selectmen of Ashburnham, severally for amendment of the law relative to damages recoverable for injuries resulting from defects in highways.

Referred to the committee on the Judiciary.

Papers from the House.

A bill to amend an Act entitled "An Act to establish a

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reformatory prison for women" was referred, in concurrence, to the committee on Prisons. Reformatory prison for women.

Bills, Bills.

In relation to the indexes in the registry of deeds of the county of Suffolk;

Concerning the continuance of cases *nisi* in the Superior Court;

To establish a fire district in the town of Lee, and for the dissolution of the existing fire district, were severally read, and referred to the committee on the Judiciary.

A resolve in favor of Samuel C. Kenney was read, and referred to the committee on the Treasury. Samuel C. Kenney.

Bills, Bills.

To prevent over-insurance, and to define to whom payment of losses shall be made in certain cases (on the petition of Thomas P. Proctor and others);

Concerning certain stations of the New York and New England Railroad Company in Newton (on the petition of George D. Eldredge and others), were severally read, and ordered to a second reading.

Reports of the committee on Claims, granting leave to withdraw, on the petitions of Reports.

Mary E. Bates, and

Adelia T. Jones, severally for State aid, were read, and placed in the orders of the day for to-morrow.

The following order was amended by striking therefrom the word "instructed," and inserting in place thereof the word "authorized:" — Committee on military affairs.

Ordered, That the committee on Military Affairs be instructed to visit the National Soldiers' Home at Augusta in the State of Maine.

And the order as amended was adopted in concurrence, with the amendment, which was sent down for concurrence.

Came up concurred.

The orders of the day were taken up; and the bills, Bills.

Giving to the Second District Court of Bristol and the Third District Court of Bristol concurrent jurisdiction in the town of Westport;

To incorporate the Trustees of the Public Library of the City of Boston;

To amend chapter 120 of the Acts of the year 1869, to prevent fraud in the sale of cotton sewing-thread;

Requiring returns relating to fires; and

The resolve in addition to a resolve, relating to the in-

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State archives. dexing of the State archives, were severally read a second time, and ordered to a third reading.

Bets and wagers. The bill in relation to the recording and registering of bets and wagers, and the buying and selling of pools, was laid on the table.

Directors of the Boston and Albany Railroad Company. The House bill in relation to meetings of the Directors of the Boston and Albany Railroad Company was read a third time, and passed to be engrossed in concurrence.

Foster King. The Senate resolve in favor of Foster King was read a third time, and passed to be engrossed.

Sent down for concurrence.

Reports. The Senate reports on the orders relative to

An inquiry into the financial condition of the Boston and Albany Railroad Corporation;

Further improvements on its own and leased lines of railroad by the Fitchburg Railroad Company; and

On the annual report of the State Directors of the Boston and Albany Railroad Corporation, were severally accepted.

Sent down for concurrence.

Ibid. The House reports on the annual reports of the trustees of

The Massachusetts School for Idiotic and Feeble-Minded Youth;

The Perkins Institution and Massachusetts School for the Blind;

The Inspectors of the State Workhouse at Bridgewater; and

The Board of State Charities; and

Ibid. On the orders relative to

Amending the laws relative to the use of weirs, seines, and nets in Vineyard Sound, and sundry petitions relative to the same subject;

The sale of tainted fish; and

To contracts for labor at the House of Correction at East Cambridge; and

On the petitions of

Samuel Butler and others; and

Willard Marcy and others; and

On the abstract of returns of corporations organized under the general laws; and

Ibid. On the annual report of the Trustees of the Lunatic Hospital at Northampton, were severally accepted in concurrence.

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Pursuant to assignment, the Senate proceeded to the consideration of the resolve providing for an amendment of the Constitution, to secure the elective franchise and the right to hold office to women; and the same was read a second time, and, after debate, further assigned for consideration on Tuesday next, at 2½ o'clock, P.M. Woman Suffrage.

The report on the petition of Sarah S. Russell and others was considered, and assigned for Tuesday next, at 2½ o'clock, P.M. Sarah S. Russell et als.

The orders of the day were resumed, and the bill concerning the records of locations of railroads was further considered, but, without action thereon, the orders of the day were laid on the table. Railroads.

Mr. Adams, from the committee on the Treasury, on the resolve in favor of the Massachusetts School for Idiotic and Feeble-Minded Youth, reported that the same ought to pass; and it was ordered to a second reading. Massachusetts School for Idiotic and Feeble-minded Youth.

Mr. Brown, from the committee on the Judiciary, on the petition of David Aiken and others, reported that the petitioners have leave to withdraw; and the report was read, and placed in the orders of the day for to-morrow. David Aiken et als.

The following engrossed bills (the first of which originated in the Senate) passed to be enacted, and were laid before the Governor for his approval; to wit: — Bills enacted, and laid before the governor.

Relating to securities held by savings banks and trust companies in pledge or as collateral;

To amend an Act relating to the par value of shares in corporations;

Relating to the advertisements of insurance companies.

On motion of Mr. Flatley, the vote by which the resolve in favor of Thomas Cahill passed to be engrossed was reconsidered; and the resolve was laid on the table. Thomas Cahill.

The bill in amendment of an Act to establish harbor lines on Charles River was taken from the table, and placed in the orders of the day for to-morrow. Charles River, harbor lines on.

Adjourned.

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THURSDAY, March 28, 1878.

Met according to adjournment.

The journal of yesterday was read.

Bills.

Mr. White of Plymouth, from the committee on Probate and Chancery, on the bills,

To amend an Act establishing the terms of the probate court in the county of Bristol;

To amend section 10 of chapter ninety-two of the General Statutes, relating to subscribing witnesses to wills;

Concerning suits upon debts, claims, and assets sold or assigned by executors and administrators; and

Probate courts in county of Suffolk.

Mr. Gardner, from the same committee, on the bill fixing the time and place of holding probate courts in the county of Suffolk, severally reported that said bills ought to pass; and they were ordered to a second reading.

Smelts and white perch.

Mr. Ewing, from the committee on the Fisheries, on the petition of William H. Nelson and others, reported

A bill to amend section 31 of chapter 384 of the Acts of the year 1869, relating to the penalty for taking smelts or white perch.

Private schools, approval of, &c.

Mr. Saunders, from the committee on Education, on the bill to amend an Act relating to the employment of children and regulations respecting them, and the order relative to amending chapter 279 of the Acts of 1873 regulating the attendance of children at school, reported

A bill in relation to the approval of private schools by school committees.

Newton.

Mr. Bishop, from the committee on Water Supply and Drainage, on the petition of the city of Newton, reported

A bill concerning sewers and drains in the city of Newton.

Mr. White of Suffolk, from the committee on Education, on the report of the Board of Supervisors of Statistics reported

Registration of statistics.

A bill to provide for the more accurate registration of vital statistics; and these bills were severally read, and ordered to a second reading.

School Committees.

Mr. Saunders, from the committee on Education, on the order relative to the expenditure of money by school committees; and

Personal actions.

Mr. Russell, from the committee on the Judiciary, on the order in relation to the limitation of personal actions; and

Mr. Gardner, from the committee on Public Charitable

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Institutions, on the annual report of the Inspectors of the State Almshouse; and

State Almshouse.

On the annual report of the Trustees of the State Lunatic Hospital at Taunton, reported that it is inexpedient to legislate thereon; and these reports were severally read, and placed in the orders of the day for to-morrow.

Lunatic hospital at Taunton.

Mr. Gilbert presented a petition of the selectmen of Goshen in relation to damages for injuries resulting from defects in highways.

Highways, defects in.

Referred to the committee on the Judiciary.

A bill relating to the central district court of Worcester was read, and referred to the committee on the Judiciary.

Central district court of Worcester.

Resolves

Resolves.

In favor of George White (on the petition of the same);

In favor of the Massachusetts Charitable Eye and Ear Infirmary (on the petition of the same), were severally read, and referred to the committee on the Treasury.

Bills

Bills.

For the formation of a new corporation, with authority to purchase and operate the Ashburnham Railroad in the town of Ashburnham (on the petition of George C. Winchester);

To authorize the appointment of trustees for the Massachusetts School for Idiotic and Feeble-Minded Youth (on an order relative to the subject); and

The resolves

Resolves.

Relative to labor in State institutions (on an order in relation to the subject), were severally read, and ordered to a second reading.

The resolve providing for an amendment to the Constitution, to prohibit the alienation of the title of the Commonwealth in the Troy and Greenfield Railroad and Hoosac Tunnel (in a new draft), was read, ordered to a second reading, and laid on the table.

Reports, that it is inexpedient to legislate,

Constitution.

Of the committee on the Fisheries, on the order relative to the fisheries in Green Harbor Marsh in Marshfield;

Of the committee on Railroads, on an order relative to a change in the law respecting the selection of directors, on the part of the State, of the Boston and Albany Railroad Corporation; and

Reports, granting leave to withdraw,

Reports.

Of the committee on Railroads, on the petition of the Fitchburg Railroad Company;

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Of the committee on Prisons, on the petition of the county commissioners of Middlesex county;

Of the committee on Claims, on the petition of the town of Adams;

Of the committee on Education, on the petition of the Massachusetts Veterinary College, were severally read, and placed in the orders of the day for to-morrow.

Taxation, Report of Commissioners on.

The report of the committee of Conference in relation to the disagreeing votes of the two houses relating to the printing of additional copies of the report of the commissioners on Taxation for the year 1875 came up, and the House declines to appoint a new committee of Conference.

Thereupon the committee appointed on the part of the Senate were discharged, and the Senate adhered to its amendment, and the report was returned to the House.

Committee on the Hoosac Tunnel, &c.

The Senate order authorizing the committee on the Hoosac Tunnel and the Troy and Greenfield Railroad further time to report, came up amended, by fixing the time at which the report shall be made on April 18; and the Senate concurred in said amendment.

Money Bills.

The following order was read, and referred to the committee on the Judiciary: —

Ordered, That with the concurrence of the Senate, the opinion of the justices of the Supreme Judicial Court be requested upon the following question, viz.: —

Is the power to originate a bill, granting or appropriating money from the State treasury, limited by the Constitution to the House of Representatives; or does the power reside in both branches of the Legislature?

Bills.

The orders of the day were taken up; and the bills,

To abate a nuisance in the city of Boston, and for the preservation of the public health in said city;

Relating to foreign insurance companies;

To prevent over-insurance, and to define to whom payment of losses shall be made in certain cases;

Concerning certain stations of the New York and New England Railroad Company in Newton;

The resolve in favor of the Massachusetts School for Idiotic and Feeble-Minded Youth, were severally read a second time, and ordered to a third reading.

Ibid.

The bills,

To provide additional terms of the Probate Court at Fitchburg in the county of Worcester;

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For the better protection of oyster fisheries in this Commonwealth, were severally read a second time, amended, and ordered to a third reading.

Railroads.

The bill concerning the records of locations of railroads was further considered.

The substitute proposed therefor by Mr. Russell was amended and rejected; and the bill was then ordered to a third reading.

Probate court in Suffolk.

The bill to provide for the appointment of a clerk in the probate-office of the county of Suffolk was read a second time, and referred to the committee on the Treasury.

Subsequently Mr. Adams, from said committee, reported the bill without amendment; and the same was ordered to a third reading.

Charles River.

The bill in amendment of an Act to establish harbor lines on Charles River was ordered to be placed in the orders of the day for Wednesday next.

Bristol County, District courts in.

The bill giving to the second district court of Bristol and the third district court of Bristol concurrent jurisdiction in the town of Westport, was read a second time.

Mr. Knowlton proposed a substitute therefor, extending the jurisdiction of said courts to the town of Freetown; and the same was adopted, read, and ordered to a second reading.

Bills.

The House bills,

To incorporate the trustees of the Public Library of the City of Boston;

Requiring returns relating to fires; and

State Archives.

The resolve in addition to a Resolve relating to the Indexing of the State Archives, were severally read a third time, and passed to be engrossed in concurrence.

George Clapp et al.

The report on the petition of George Clapp and Frederick K. Ballou was accepted in concurrence.

Reports.

The Senate reports on the petitions of

David Aiken and others, and

Spencer Borden and others, were severally accepted.

Sent down for concurrence.

Came up concurred.

The House report on the petition of Mary E. Bates was accepted in concurrence.

The report on the petition of Adelia T. Jones; and

The bill to amend chapter 120 of the Acts of the year

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Sewing-thread.

1869, entitled "An Act to prevent fraud in the sale of cotton sewing-thread," were laid on the table.

Sales of merchandise, &c.

Pursuant to assignment, the Senate proceeded to the consideration of the bill in relation to sales of merchandise at temporary stands in the streets of Boston; but, without action thereon, the bill was further assigned for consideration on Wednesday next, at 2½ o'clock, P.M.

Bills enacted and laid before the governor.

The following engrossed bills (the first four of which originated in the Senate) passed to be enacted; to wit: —

To amend an Act relating to public warehouses.

Relating to the Butchers' Slaughtering and Melting Association.

To amend section 1 of chapter 59 of the Acts of the year 1867, concerning the protection of camp-meetings.

To divide the town of Wilbraham, and to incorporate the town of Hampden.

In relation to railroad police.

Authorizing cities and towns to pass ordinances and by-laws for the protection of travellers on streets and public ways.

To confirm certain acts done by Lyman A. Ely as a justice of the peace.

To amend an Act authorizing towns to provide for the removal of snow and ice from sidewalks.

To incorporate the Central Cemetery Association of Randolph.

Relative to the Board of Overseers of the Poor of the City of Springfield.

Fixing the terms of the Superior Court in the County of Bristol.

Resolves passed, and laid before the governor.

The following engrossed resolves (the first of which originated in the Senate) were passed, and, with the above-named bills, were laid before the Governor for his approval; to wit: —

To amend a resolve in relation to the Antietam Cemetery, in the State of Maryland.

Relating to the contract for the State printing.

Adjourned.

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FRIDAY, March 29, 1878.

Met according to adjournment.

The journal of yesterday was read.

Guardians of minors.

Mr. Gardner, from the committee on Probate and Chancery, to whom was referred the bill for the better protection of neglected and destitute children, reported the same in a new draft, under the title of

Bill relating to the appointment and removal of guardians of minors.

Criminal Cases.

Mr. Merriam, from the committee on the Judiciary, on an order in relation to the subject, reported

A bill to amend chapter 78 of the Acts of the year 1863, relating to the jurisdiction of trial-justices in certain criminal cases.

Railroads.

Mr. Gilbert from the committee on Railroads, on the annual report of the Railroad Commissioners, reported

A bill to amend chapter 372 of the Acts of the year 1874, relating to railroads; and these bills were severally read, and ordered to a second reading.

Hawkers and Peddlers.

Mr. Merriam, from the committee on the Judiciary, on an order in relation to the subject, reported

A bill to amend section 1 of chapter 331 of the Acts of the year 1870, relating to hawkers and peddlers; and the same was read, and ordered to a second reading.

County of Suffolk.

Mr. Russell, from the committee on the Judiciary, on the bill in relation to the indexes in the Registry of Deeds of the County of Suffolk; and

Dwelling-houses.

Mr. Coffin, from the committee on Taxation, on the bill relating to the exemption of dwelling-houses from taxation; and

Holyoke.

Mr. Brown, from the committee on the Judiciary, on the bill to amend the Act to supply the town of Holyoke with pure water; and

Resolves.

Mr. Breed, from the committee on the Treasury, on the resolves

In favor of Company C, Eighth Regiment Massachusetts Volunteer Militia;

In favor of the Massachusetts Charitable Eye and Ear Infirmary; and

George White.

Mr. Flatley, from the same committee, on the resolve in favor of George White, severally reported that these bills and resolves severally ought to pass; and they were ordered to a second reading.

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Employment of children.

Mr. Saunders, from the committee on Education, on the petition of the school committee of Salem; and

On the orders relative to

The employment of children in manufacturing establishments; and

Ibid.

The employment of persons under the age of thirteen years in said establishments, reported asking to be discharged from the further consideration thereof, and that the same be referred to the next General Court.

Savings Banks.

Mr. Holmes, from the committee on Banks and Banking, submitted a similar report on the bill in addition to an act in relation to savings banks and institutions for savings; and these reports were severally read, and placed in the orders of the day for to-morrow.

On motion of Mr. Bishop, —

Committee on taxation.

Ordered, That the joint special committee on Taxation be allowed until April eighth to report upon matters now before said committee.

Mrs. Nathaniel M. Horton et als.

Mr. White of Plymouth presented a petition of Mrs. Nathaniel M. Horton and another, for confirmation and ratification of a certain deed of Eben F. Stone; and the same was referred, under a suspension of the 20th joint rule, to the committee on Probate and Chancery.

Papers from the House.

Mashpee.

A bill in addition to an Act to incorporate the town of Mashpee (in a new draft), was read, and referred to the committee on the Treasury.

Fourth Congregational Precinct in Rochester.

The Senate bill to change the name of the Fourth Congregational Precinct in Rochester to the First Congregational Society in Marion and for other purposes, came up amended in the title by substituting therefor the following: —

"Bill relating to the Fourth Congregational Precinct in Rochester;" and the amendment was adopted in concurrence.

John P. Sawin.

The Senate resolve in favor of John P. Sawin came up concurred with an amendment which was adopted in concurrence.

Reports.

Reports, of the committee on Education, that it is inexpedient to legislate on the orders,

Relative to half-time day-schools;

Relative to the collection of information concerning the

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teaching of industrial branches in schools of other countries;

Relative to change in the law concerning the distribution of moneys raised for the support of schools, were read, and placed in the orders of the day for to-morrow.

Committee on railroads.

Ordered, In concurrence, that the committee on Railroads be allowed to report in print on the matters relating to the New York and New England Railroad Company, before referred to them, and that they have until April eighth within which to make their reports.

Massapoag Pond.

The order relative to the rights of the public in Massapoag Pond came up non-concurred in the reference thereof to the committee on Water Supply and Drainage, and referred to the next General Court; and the Senate concurred in the action of the House.

Constitution.

The report on the order relative to an amendment to the Constitution, providing for biennial sessions of the Legislature and biennial elections of State officers; and

The report on the petition of Warner R. Whittier and others in relation to the subject; and

Bets and wagers.

The bill in relation to the recording and registering of bets and wagers, and the buying and selling of pools, were taken from the table, and placed in the orders of the day for Tuesday next.

Bills.

The orders of the day were taken up; and the bills,

To amend section 31 of chapter 384 of the Acts of the year 1869, relating to the penalty for taking smelts or white perch;

To provide for the more accurate registration of vital statistics;

In relation to the approval of private schools by school committees;

Concerning sewers and drains in the city of Newton;

Giving to the Second District Court of Bristol and the Third District Court of Bristol concurrent jurisdiction in the towns of Westport and Freetown;

Fixing the time and place of holding probate courts in the county of Suffolk;

To amend an Act establishing the terms of the Probate Court in the County of Bristol;

Concerning suits upon debts, claims, and assets sold or assigned by executors and administrators;

To amend section 10 of chapter 92 of the General Statutes, relating to subscribing witnesses to wills;

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To authorize the appointment of trustees for the Massachusetts School for Idiotic and Feeble-Minded Youth;

For the formation of a new corporation, with authority to purchase and operate the Ashburnham Railroad in the town of Ashburnham, were severally read a second time, and ordered to a third reading.

Boston.

The Senate bill to abate a nuisance in the city of Boston, and for the preservation of the public health in said city, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Bills.

The House bills,

Concerning the records of locations of railroads;

Relating to foreign insurance companies;

To provide for the appointment of a clerk in the probate-office of the county of Suffolk;

Concerning certain stations of the New York and New England Railroad Company in Newton; and

Massachusetts School for Idiotic and Feeble-Minded Youth.

The resolve in favor of the Massachusetts School for Idiotic and Feeble-Minded Youth, were severally read a third time, and passed to be engrossed in concurrence.

Probate court at Fitchburg.

The House bill to provide additional terms of the Probate Court at Fitchburg, in the county of Worcester, was read a third time, as heretofore amended, and passed to be engrossed in concurrence with the amendment which was sent down for concurrence.

Came up concurred.

Labor in state institutions.

The resolve relating to labor in State institutions was read a second time and ordered to a third reading.

Over-insurance.

The bill to prevent over-insurance and to define to whom payment of losses shall be made in certain cases was ordered to be placed in the orders of the day for to-morrow.

Bills.

The Senate reports on the annual reports of,

The Trustees of the State Lunatic Hospital at Taunton;

The Inspectors of the State Almshouse at Tewksbury; and

On the order relative to the expenditure of money by school committees, were severally accepted.

Sent down for concurrence.

Reports.

The House reports,

On the order relative to amending the laws concerning the election of State Directors of the Boston and Albany Railroad Corporation; and

On an order relative to fisheries in Green Harbor River in Marshfield; and

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On the petitions of

The Massachusetts Veterinary College;

The town of Adams;

The commissioners of Middlesex County, were severally accepted in concurrence.

Limitation of personal actions.

The Senate report on the order relative to modifying section 6 of chapter 155 of the General Statutes, concerning limitation of personal actions, was accepted.

Bills enacted, and laid before the governor.

The following engrossed bills (all of which originated in the House) were passed to be enacted: to wit, —

In addition to an Act establishing the City of Salem;

Concerning the Treasurer and Collector of the City of Cambridge;

Relative to the terms of the Superior Court within and for the County of Nantucket;

An engrossed resolve in favor of the town of Swampscott (which originated in the House) passed, and, with the above-named bills, was laid before the Governor for his approval.

Adjourned.

MONDAY, April 1, 1878.

Met according to adjournment.

The journal of Friday was read.

Executors and Administrators.

Mr. Gardner, from the committee on Probate and Chancery, to whom was referred the bill limiting the time within which executors or administrators may be cited to take upon themselves the prosecution or defence of actions, reported that the same ought to pass in a new draft.

Settlement of paupers.

The same Senator from the committee on Public Charitable Institutions, to whom was referred the bill concerning the settlement of paupers, reported the same in a new draft; and these bills were severally read, and ordered to a second reading.

Public documents.

Mr. Davol, from the committee on Printing, to whom was referred the resolve relative to the distribution of certain public documents, reported that the same ought to pass, and it was ordered to a second reading.

Highways, damages resulting from defects in.

Mr. Barton presented a petition of the selectmen of Douglas, for amendment of the laws in relation to damages recoverable for injuries resulting from defects in highways.

Referred to the committee on the Judiciary.

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Pollution of rivers, &c.

Mr. Bishop, from the committee on Water Supply and Drainage, on the report of the State Board of Health in relation to the subject, reported

A bill relating to the pollution of rivers, streams, and ponds used as sources of water supply; and the same was read, and ordered to a second reading.

Bonds of Executors, Administrators et als.

Mr. Gardner, from the committee on Probate and Chancery, to whom was referred the bill relating to sales of real estate by guardians and trustees, reported the same in a new draft, under the title of "Bill to amend chapters 93, 94, 100, 102, and 109 of the General Statutes, relating to the bonds of executors, administrators, trustees, and guardians;" and the same was read, and ordered to a second reading.

Money Bills.

Mr. Russell, from the committee on the Judiciary, to whom was referred the order requesting the opinion of the Supreme Judicial Court as to the rights under the Constitution, of the two houses to originate bills appropriating money from the treasury, reported said order in a new draft, as follows: —

"Can the Senate, under the provisions of chapter 1, section 3, article 6, of the Constitution, originate a bill appropriating or involving the expenditure of money from the treasury of the Commonwealth?"

And the report was read, and placed in the orders of the day for to-morrow.

Papers from the House.

Resolves.

Resolves,

In favor of Chester C. Conant (on the petition of the same);

In favor of the Disabled Soldiers' Employment Bureau;

In favor of Rebecca E. Libby (on an order of January 30, in relation to the subject), were severally read, and referred to the committee on the Treasury.

State directors of the Boston and Albany Railroad Company.

A report of the committee on Railroads, that it is inexpedient to legislate on the order relative to action on the report of the State Directors of the Boston and Albany Railroad Company, was placed in the orders of the day for to-morrow.

Bills.

The orders of the day were taken up; and the bills,

Relating to the exemption of dwelling-houses from taxation;

Relating to the appointment and removal of guardians of minors;

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To amend chapter 78 of the Acts of the year 1863, relating to the jurisdiction of trial-justices in certain criminal cases;

To amend section 1 of chapter 331 of the Acts of the year 1870, relating to hawkers and peddlers;

To amend chapter 372 of the Acts of the year 1874, relating to railroads;

In relation to the indexes in the Registry of Deeds of the County of Suffolk; and

The resolves,

Resolves.

In favor of Company C, Eighth Regiment Massachusetts Volunteer Militia;

In favor of George White;

In favor of the Massachusetts Charitable Eye and Ear Infirmary, were severally read a second time, and ordered to a third reading.

Probate courts in Suffolk County.

The house bill fixing the time and place of holding probate courts in the county of Suffolk was read a third time, amended, and passed to be engrossed in concurrence with the amendment which was sent down for concurrence.

Smelts and white perch.

The Senate bill to amend section 31 of chapter 384 of the Acts of the year 1869, relating to the penalty for taking smelts or white perch, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Private schools.

The Senate bill in relation to the approval of private schools by school committees was read a third time, and passed to be engrossed.

Sent down for concurrence.

Newton.

The Senate bill concerning sewers and drains in the city of Newton was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Bristol County, District courts of.

The Senate bill giving to the second district court of Bristol and the third district court of Bristol concurrent jurisdiction in the towns of Westport and Freetown was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Bills.

The House bills,

To amend an Act establishing the terms of the Probate Court in the County of Bristol;

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To amend section 10 of chapter ninety-two of the General Statutes, relating to subscribing witnesses to wills;

To authorize the appointment of trustees for the Massachusetts School for Idiotic and Feeble-Minded Youth;

To prevent over-insurance, and to define to whom payment of losses shall be made in certain cases; and

State institutions, labor in.

The House resolve relative to labor in State institutions, were severally read a third time, and passed to be engrossed in concurrence.

Ashburnham Railroad Company.

The bill for the formation of a new corporation, with authority to purchase and operate the Ashburnham Railroad in the town of Ashburnham, was read a third time, amended in the title, and passed to be engrossed in concurrence with the amendment which was sent down for concurrence.

Salem, school committee of.

The report of the committee on Education, on the petition of the school committee of Salem, relative to the employment of children in manufacturing establishments, and on the several orders relative to the same subject, was accepted.

Sent down for concurrence.

Came up concurred.

Reports.

The House reports,

Of the committee on Education;

On the order relative to the collection of information concerning the result of teaching of industrial branches in schools of other countries;

On the order relative to the distribution of moneys raised for the support of schools; and

On the order relative to the establishment of half-time day-schools, were severally accepted in concurrence.

Holyoke.

The bill to amend the Act to supply the town of Holyoke with pure water was laid on the table.

North Adams.

The bill to divide the town of Adams and incorporate the town of North Adams was taken from the table, and placed in the orders of the day for to-morrow.

Cotton sewing-thread.

The bill to amend chapter 120 of the Acts of the year 1869, entitled "An Act to prevent fraud in the sale of cotton sewing-thread," was taken from the table, whereupon Mr. Burrage proposed a substitute therefor, which was ordered to be placed in the orders of the day for to-morrow.

Adjourned.

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TUESDAY, April 2, 1878.

Met according to adjournment.

The journal of yesterday was read.

Reformatory Prison for Women.

Mr. Truell, from the committee on Prisons, to whom was referred the bill to amend an Act to establish a reformatory prison for women, reported the same in a new draft; and it was read, and ordered to a second reading.

Charles Field et als.

Mr. Merriam, from the committee on the Judiciary, on the petition of Charles Field and others, reported asking to be discharged from the further consideration thereof, and that the same be referred to the next General Court.

Public charities.

Mr. Gardner, from the committee on Public Charitable Institutions, on the order relative to revising the administration of the public charities of the Commonwealth, reported that legislation is unnecessary thereon; and these reports were read, and placed in the orders of the day for to-morrow.

Adams.

Mr. Brown presented a petition of J. S. Adams and others, that the question of the division of the town of Adams may be referred to a majority of the voters of said town; and the petition was placed on file.

Damages resulting from defects in highways.

Mr. Merriam presented a petition of the selectmen of Savoy; and

Mr. Beal, a petition of the selectmen of Carver, severally for amendment of the law in relation to damages recoverable for injuries resulting from defects in highways.

Ibid.

Mr. Adams presented a petition of the selectmen of Phillipston for the same purpose.

Severally referred to the committee on the Judiciary.

Papers from the House.

Bills.

Bills,

Concerning street-railways in the city of Boston (on an order in relation to the subject; and the petitions of Charles Hutchins and others, and Cobb Brothers and Co. and others);

To authorize the Framingham and Lowell Railroad Company to issued preferred stock (on the petition of the same);

To authorize the city of Salem to construct a main drain or sewer in the North River (on the petition of said city), were severally read, and ordered to a second reading.

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Accidents on steamboats.

Reports, that it is inexpedient to legislate, of the committee on Manufactures, on the order relative to further legislation to prevent accidents upon steamboats; and

Removal of lunatics to hospital at Danvers.

Of the committee on Public Charitable Institutions, on the order relative to the removal of the inmates of the hospitals at Northampton, Worcester, and Taunton, to the hospital at Danvers, were severally read, and placed in the orders of the day for to-morrow.

Resolves.

Mr. Flatley, from the committee on the Treasury, on the resolves,

In favor of Chester C. Conant;

In favor of Rebecca E. Libby, reported that said resolves severally ought to pass; and they were ordered to a second reading.

Charles River.

Mr. Beal, from the committee on Public Lands, to whom was recommitted the bill concerning the Commonwealth's flats in Charles River, reported as a substitute therefor,

A resolve concerning the lands of the Commonwealth in Charles River; and the same was read, and ordered to a second reading.

Bills.

The orders of the day were taken up; and the bills,

Limiting the time within which executors or administrators may be cited to take upon themselves the prosecution or defence of actions;

To amend chapters 93, 94, 100, 102, and 109 of the General Statutes, relating to the bonds of executors, administrators, trustees, and guardians; and

Distribution of public documents.

The resolve relative to the distribution of certain public documents, were severally read a second time, and ordered to a third reading.

Executors and Administrators.

The House bill concerning suits upon debts, claims, and assets sold or assigned by executors and administrators was read a third time, amended, and passed to be engrossed in concurrence with the amendment which was sent down for concurrence.

Came up concurred.

Registration of vital statistics.

The Senate bill to provide for the more accurate registration of vital statistics was read a third time, and passed to be engrossed.

Sent down for concurrence.

Settlement of paupers.

The bill concerning the settlement of paupers was read a second time, and passed over.

Pollution of rivers, &c.

The bill relating to the pollution of rivers, streams, and

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ponds used as sources of water supply was read a second time, amended, and passed over.

Savings Banks.

The bill in addition to an Act in relation to savings banks and institutions for savings was, in accordance with the report of the committee thereon, referred to the next General Court.

Money Bills.

The report on the order relative to asking the opinion of the Supreme Court in regard to the right of the Senate to originate a bill appropriating money from the treasury was accepted, and the order was sent to the House for concurrence.

Directors of the Boston and Albany Railroad Company.

The report on the order relative to action on the report of the State Directors of the Boston and Albany Railroad Corporation was accepted in concurrence.

Dwelling-houses.

The bill relating to the exemption of dwelling-houses from taxation was passed over.

Guardians of minors.

The Senate bill relating to the appointment and removal of guardians of minors was read a third time, and passed to be engrossed.

Sent down for concurrence.

Jurisdiction of trial justices.

The Senate bill to amend chapter 78 of the Acts of the year 1863, relating to the jurisdiction of trial-justices in certain criminal cases, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Hawkers and Peddlers.

The Senate bill to amend section 1 of chapter 331 of the Acts of the year 1870, relating to hawkers and peddlers, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Railroads.

The Senate bill to amend chapter 372 of the Acts of the year 1874, relating to railroads, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Registry of deeds in Suffolk county.

The House bill in relation to the indexes in the registry of deeds of the county of Suffolk; and

Resolves.

The resolves,

In favor of George White; and

In favor of the Massachusetts Charitable Eye and Ear Infirmary, were severally read a third time, and passed to be engrossed in concurrence.

Mass. Vol. Mili-

The resolve in favor of Company C, Eighth Regiment

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tia, Co. C, Eighth Regiment of.

Massachusetts Volunteer Militia, was read a third time, and passed to be engrossed in concurrence.

Constitution.

The report, on an order relative to an amendment to the Constitution, providing for biennial sessions of the Legislature and biennial elections of State officers; and

The report on the several petitions respecting the same subject, were passed over.

Bets and wagers.

The bill in relation to the recording and registering of bets and wagers, and the buying and selling of pools, was read a second time, and ordered to be placed in the orders of the day for Thursday.

North Adams.

The bill to incorporate the town of North Adams was further considered.

Mr. Brown proposed a substitute therefor; and the bill was ordered to be placed first in the orders of the day for to-morrow.

Sewing-thread.

The bill to amend chapter 120 of the Acts of the year 1869, entitled "An Act to prevent fraud in the sale of cotton sewing-thread," was further considered, whereupon Mr. Burrage proposed a substitute therefor, which was read and adopted, and ordered to a second reading.

Woman Suffrage.

Pursuant to assignment, the Senate proceeded to the consideration of the resolve providing for an amendment of the Constitution, to secure the elective franchise and the right to hold office to women; and the question on ordering the same to a third reading was taken by yeas and nays, as follows, to wit: —

YEAS. — Messrs.	Barton,	Beal,	Breed,
	Burrage,	Coffin,	Day,
	Gardner,	Hill,	Holmes,
	Knowlton, M. M.,	Lynde,	Merriam,
	Palmer,	Rogers,	Swett,
	Truell. — 16.		
NAYS. — Messrs.	Abbott,	Adams,	Bishop,
	Brown,	Canfield,	Cate,
	Davol,	Ewing,	Flatley,
	Gilbert,	Gregory,	Hayes,
	Ropes,	Russell,	Saunders,
	Sherman,	White, Jonathan,	White, James,
	Winn. — 19.		

So the resolve was refused a third reading.

Sarah S. Russell et als.

Thereupon the Senate proceeded to the consideration of the report on the petition of Sarah S. Russell and others.

Mr. Palmer proposed a bill, as a substitute for the report, providing that all female citizens possessing the same

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qualifications as is required of male citizens, in reference to the age, education, and payment of tax, not being paupers nor persons under guardianship, shall have the right to vote in municipal affairs: *provided*, the amount of tax so paid shall be equal to the highest legal poll-tax now assessed. Sarah S. Russell et als.

Mr. Gogin proposed an amendment to the bill proposed by Mr. Palmer; and the question on this amendment was determined as follows, to wit: —

YEAS. — Messrs.	Burrage,	Davol,	Day,
	Ely,	Gogin,	Lynde,
	Palmer. — 7.		
NAYS. — Messrs.	Abbott,	Adams,	Barton,
	Beal,	Bishop,	Breed,
	Brown,	Canfield,	Cate,
	Coffin,	Ewing,	Flatley,
	Gardner,	Gilbert,	Gregory,
	Hayes,	Hill,	Holmes,
	Knowlton, H. M.,	Merriam,	Rogers,
	Ropes,	Russell,	Saunders,
	Sherman,	Swett,	Truell,
	White, Jonathan,	White, James,	Winn. — 30.

So the amendment was rejected.

The question then recurring on the adoption of the substitute proposed by Mr. Palmer, it was taken by yeas and nays as follows, to wit: —

YEAS. — Messrs.	Barton,	Beal,	Burrage,
	Coffin,	Davol,	Day,
	Ely,	Gardner,	Hill,
	Lynde,	Merriam,	Palmer,
	Rogers,	Swett,	Truell. — 15.
NAYS. — Messrs.	Abbott,	Adams,	Bishop,
	Breed,	Brown,	Canfield,
	Cate,	Ewing,	Flatley,
	Gilbert,	Gogin,	Gregory,
	Hayes,	Holmes,	Knowlton, H.M.,
	Ropes,	Russell,	Saunders,
	Sherman,	White, James,	White, Jonathan,
	Winn. — 22.		

So the substitute was rejected, and the report was accepted.

Sent down for concurrence.

Came up concurred.

The bill to amend the Act to supply the town of Holyoke with pure water was taken from the table, and placed in the orders of the day for to-morrow. Holyoke.

The following engrossed bills (the first four of which Bills enacted,

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and laid before the governor.

originated in the Senate) passed to be enacted, and were laid before the Governor for his approval; to wit: —

To incorporate the Proprietors of Maple-Grove Cemetery.

Abolishing the tolls on Connecticut River Bridge, between the towns of Deerfield and Montague.

To confirm the election of moderator in the town of Bradford.

Authorizing the Supréme Judicial Court to adjourn to and hold special terms in Fall River.

Requiring returns relating to fires.

To prevent deception in sales of butter.

Relative to funding the floating debt of the city of Fall River.

To amend an Act concerning the division of flats.

In relation to meetings of the Directors of the Boston and Albany Railroad Company.

Relating to the venue of prosecutions for embezzlement.

Concerning the New York and New England Railroad Company.

Adjourned.

WEDNESDAY, April 3, 1878.

Met according to adjournment.

The journal of yesterday was read.

Attachments of personal property.

Mr. Russell, from the committee on the Judiciary, to whom was referred the bill regulating the fees of officers making attachments of personal property, reported the same in a new draft;

Insane married women.

Mr. White, from the committee on the Judiciary, on the order relative to the subject, reported

A bill concerning the support of married women who are insane; and these bills were severally read, and ordered to a second reading.

City and town clerks.

Mr. Merriam, from the committee on the Judiciary on the bill requiring city and town clerks to furnish bonds; and

Husbands, wives, and minor children.

Mr. White of Plymouth, from said committee, on the bill to amend an Act relating to the rights of husbands and wives, and for the protection of minor children, reported that said bills ought not to pass; and they were placed in the orders of the day for to-morrow on the question of rejection.

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Mr. Russell, from the committee on the Judiciary, to whom was referred the bill to establish a fire district in the town of Lee, and for the dissolution of the existing fire district, reported that the same ought to pass with an amendment; and the bill was ordered to a second reading. Lee, fire district in.

Mr. Brown, from the same committee, on the order relative to further legislation for the better security of the ballot; and Security of the Ballot.

Mr. Russell, from said committee, on the order relative to fees of officers making attachments of personal property, severally reported that it is inexpedient to legislate thereon; and Fees of officers making attachments of personal property.

Mr. Merriam, from the committee on the Judiciary, on the petition of J. W. Sawtelle and others, reported that the petitioners have leave to withdraw; and these reports were read, and placed in the orders of the day for to-morrow. J. W. Sawtelle et als.

Mr. Brown, from the said committee, reported the bill concerning the continuance of cases *nisi* in the superior court, without amendment; and the same was ordered to a second reading. Cases *nisi*.

Papers from the House.

Resolves, Resolves.

Providing for additional buildings for the State Lunatic Hospital at Taunton (on the petition of the trustees thereof);

Relating to the Reformatory Prison for Women (on the report of the commissioners on Prisons), were severally read, and referred to the committee on the Treasury.

Bills, Bills.

To amend chapter 48 of the General Statutes relating to sewers and drains;

To discontinue a common landing-place in the city of Lynn, were severally read, and referred to the committee on the Judiciary.

Bills, Ibid.

To incorporate the Board of Aid to Land-ownership (on the petition of Franklin W. Smith and others);

Relating to the State detective force (on the Governor's address);

In relation to applications for policies of fire and life insurance (on an order in relation to innocent misstatements in applications for insurance), were severally read, and ordered to a second reading.

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Inspection of gas meters, &c.

A bill to amend an Act for the inspection of gas-meters, the protection of gas-consumers, and the protection and regulation of gas-light companies, was referred, in concurrence, under a suspension of the 20th joint rule, to the committee on Mercantile affairs.

Exemption of ships in foreign trade.

A report of the committee on Taxation, of reference to the next General Court, on the order relative to the exemption of ships in foreign trade from taxation, was read, and placed in the orders of the day for to-morrow.

New Bedford.

The House bill to provide a further supply of water for the city of New Bedford came up concurred with the amendments proposed by the Senate in sections 1 and 2, and concurred in that proposed as a new section with certain amendments; and the Senate concurred therein.

Money Bills.

The order requesting the opinion of the Supreme Judicial Court as to the right of the Senate to originate "money bills" came up non-concurred in the substitute proposed therefor by the Senate; and Messrs. Stone of Newburyport, Osgood of Salem, and C. H. Hill of Boston, are appointed a committee of Conference on the disagreeing votes of the two houses in relation thereto.

Thereupon Messrs. Russell, White of Plymouth, and Gardner were appointed a committee of Conference on the part of the Senate.

Damages resulting from defects in highways.

Mr. Winn presented petitions of the selectmen of towns of Rowe and Buckland, severally for amendment of the laws in relation to damages recoverable for injuries resulting from defects in highways.

Referred to the committee on the Judiciary.

First Norfolk senatorial district.

A communication was received from the secretary of the Commonwealth, transmitting the returns of votes for a senator in the First Norfolk District, to fill the vacancy occasioned therein by the death of Hon. Henry F. Barker.

And the returns were referred to the special committee on Senatorial Returns.

Sales of merchandise at temporary stands in the streets of Boston.

Pursuant to assignment, the Senate proceeded to the consideration of the bill in relation to sales of merchandise at temporary stands in the streets of Boston; and the question being taken on the rejection the bill, it was carried in the affirmative: so the bill was rejected.

Bills enacted and laid before governor.

The following engrossed bills (the first three of which originated in the House) passed to be enacted, to wit:—

To incorporate the Trustees of the Public Library of the City of Boston.

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To provide for the appointment of a clerk in the probate-office of the county of Suffolk.

Concerning certain stations of the New York and New England Railroad Company in Newton.

Relating to the Fourth Congregational Precinct in Rochester.

To amend chapter 49 of the General Statutes in relation to the inspection and sale of hoops.

To authorize the Boston, Clinton, and Fitchburg, and New Bedford Railroad Company to discontinue its passenger-station in New Bedford.

Resolves passed, and laid before the governor.

The following engrossed resolves (the first two of which originated in the Senate) passed, and, with the above-named bills, were laid before the Governor for his approval; to wit: —

In favor of Timothy Murphy.

In favor of John P. Sawin.

In addition to a resolve relating to the indexing of the State Archives.

In favor of the Massachusetts School for Idiotic and Feeble-Minded Youth.

Bills.

The orders of the day were taken up; and the bills,

To authorize the Framingham and Lowell Railroad Company to issue preferred stock;

To authorize the city of Salem to construct a main drain or sewer in the North River;

To amend chapter 120 of the Acts of the year 1869, entitled "An Act to prevent fraud in the sale of sewing-thread;" and

Resolves.

The resolves,

Concerning the lands of the Commonwealth in Charles River;

In favor of Chester C. Conant;

In favor of Rebecca E. Libby, were severally read a second time, and ordered to a third reading.

Bills.

The bills,

In amendment of an Act to establish harbor lines on Charles River;

To amend the Act to supply the town of Holyoke with pure water;

Concerning the settlement of paupers, were severally ordered to a third reading.

Reformatory

The bill to amend an Act to establish a reformatory

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prison for women. prison for women was read a second time, amended, and ordered to a third reading.

Executors or Administrators. The Senate bill limiting the time within which executors or administrators may be cited to take upon themselves the prosecution or defence of actions was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Bonds of executors, Administrators, et als. The Senate bill to amend chapters 93, 94, 100, 102, and 109 of the General Statutes, relating to the bonds of executors, administrators, trustees, and guardians, was read a third time, and passed to be engrossed.

Sent down for concurrence.

Public documents. The Senate resolve relative to the distribution of certain public documents was read a third time, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Street railways. The bill concerning street-railways in the city of Boston; and

Pollution of rivers, streams, and ponds. The bill relating to the pollution of rivers, streams, and ponds used as sources of water supply; and

Constitution. The several reports relative to an amendment to the Constitution, providing for biennial sessions of the Legislature and biennial elections of State officers, were severally passed over.

Dwelling-houses. The bill relating to the exemption of dwelling-houses from taxation was laid on the table.

Charles Field, et als. The Senate report on the petition of Charles Field and others was accepted.

Public charities. The Senate report on the report of the commission on public charities was accepted.

Sent down for concurrence.

Reports. The House reports on the orders relative to

The prevention of accidents upon steamboats; and

The removal of inmates from the State lunatic hospitals at Northampton, Worcester, and Taunton to the hospital at Danvers, were severally accepted in concurrence.

Oyster fisheries. The House bill for the better protection of oyster fisheries in this Commonwealth was read a third time.

Mr. Knowlton of Bristol proposed a substitute therefor, which was ordered to be printed, and the bill was passed over.

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The bill to incorporate the town of North Adams was further considered, the question being on the adoption of the substitute proposed therefor by Mr. Brown. North Adams.

Mr. Russell proposed an amendment in the 12th section, 2d and 35th lines, striking therefrom the words "two-thirds," and inserting in place thereof the words "a majority;" and the vote being taken on the amendment, it was rejected.

Mr. Russell moved a reconsideration of the above vote; and the question on the motion was taken by yeas and nays, as follows, to wit:

YEAS. — Messrs.	Abbott,	Canfield,	Gogin,
	Adams,	Ewing,	Ropes,
	Beal,	Gardner,	Russell. — 10.
	Brown,		
NAYS. — Messrs.	Bishop,	Day,	White, James,
	Breed,	Ely,	White, Jonathan. — 8.
	Burrage,	Hill,	

So the vote was reconsidered, and the question then recurring on the adoption of the amendment, it was considered; but before any action was had thereon, the Senate adjourned.

THURSDAY, April 4, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. White of Plymouth, from the special committee on Senatorial Returns, to whom was referred the returns of votes for senator to fill the vacancy in the First Norfolk Senatorial District occasioned by the death of Hon. Henry F. Barker, submitted a report thereon, by which it appeared that William A. Hodges of Quincy was elected; and, he being present, Messrs. Ely and Russell were appointed a committee to conduct the senator elect to the Governor and Council for the purpose of being qualified for the duties of the office. First Norfolk Senatorial District.

Subsequently Mr. Ely reported that the committee had attended to the duty assigned them, and the senator elect had taken and subscribed the required oaths of office; and thereupon he took his seat at the board.

Mr. Ewing, from the committee on the Fisheries, reported the bill to amend chapter 384 of the Acts of the year 1869, concerning the cultivation of fishes, without Cultivation of fishes.

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amendment; and the same was ordered to a second reading.

State prison guards.

Mr. Flatley, from the committee on Prisons, on the report of the inspectors of the State Prison, reported

A bill to amend an act providing for an increase in the number of assistant guards employed at the State Prison; and the same was read and ordered to a second reading.

Worcester central district court.

Mr. Russell, from the committee on the Judiciary, on the bill relating to the central district court of Worcester, reported that the same ought not to pass; and the bill was placed in the orders of the day for to-morrow on the question of rejection.

Ashmere Reservoir Association.

Mr. Ewing, from the committee on the Fisheries, on the petition of the Ashmere Reservoir Association; and

Massachusetts Fish and Game Protective Association.

Mr. Rogers, from the same committee, on the petition of the Massachusetts Fish and Game Protective Association, severally reported that the petitioners have leave to withdraw; and the reports were read and placed in the orders of the day for to-morrow.

Dike across East Harbor in Provincetown.

On motion of Mr. Hill, under a suspension of the 20th joint rule,

Ordered, That the committee on Harbors inquire and report what legislation is necessary for the protection of the dike across the mouth of East Harbor at the eastern extremity of Provincetown Harbor, and connecting the towns of Provincetown and Truro.

Charles J. Cox.

Mr. Beal moved to reconsider the vote whereby the Senate yesterday refused to suspend the 20th joint rule, in order to receive the resolve in favor of Charles J. Cox; and the motion was laid on the table.

Papers from the House.

Probate courts in Suffolk County.

The bill fixing the time and place of holding probate courts in the county of Suffolk came up non-concurred in the Senate amendment therein; and the Senate receded therefrom.

Appropriations.

The bill making additional appropriations for certain expenditures authorized in 1877 and previous years was read and referred to the committee on the Treasury.

Bills.

Bills,

In relation to embezzlement by town, city and county officers;

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Bills.

Relating to the attendance of deputy-sheriffs before the Supreme Judicial and Superior Courts;
Relating to arrests in certain cases;
Relating to term fees;
Concerning the trustee process;
Permitting the establishment of a fire district in Lenox;
To insure payment of wages earned, and for materials used, in constructing public buildings and public works, were severally read and referred to the committee on the Judiciary.

Bills,
For the protection of the shores and beaches in the towns of Hull and Cohasset (on the petitions of M. A. Darling and others, and Jordan, Marsh, & Co. and others);
Authorizing the establishment of nautical schools (on the petition of R. B. Forbes and others);
To incorporate the Fusileer Veteran Association of the city of Boston (on the petition of Albert E. Proctor and others,) were severally read and ordered to a second reading.

Mutual fire insurance companies.

The Senate bill to enable mutual fire-insurance companies with a guarantee capital to issue policies upon the joint-stock plan, came up concurred with an amendment which was adopted in concurrence.

North Adams.

The orders of the day were taken up, and the Senate resumed the consideration of the unfinished business of yesterday, viz., "Bill to incorporate the town of North Adams," the question being on an amendment proposed to the substitute offered by Mr. Brown, pending the consideration of which, the subject was recommitted to the committee on Towns.

Bills.

The bills,
Concerning the support of married women who are insane;
Concerning the continuance of cases *nisi* in the superior court;
To incorporate the Board of Aid to Land-ownership, were severally read a second time and ordered to a third reading.

Fees of officers making attachments.

The bill regulating the fees of officers making attachments of personal property was read a second time.
Amendments were proposed thereto by Messrs. Russell and Gardner, whereupon the bill was recommitted to the committee on the Judiciary.

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Policies of fire and life insurance.

The bill in relation to applications for policies of fire and life insurance was read a second time, amended, and ordered to a third reading.

State Detective Force.

The bill relating to the State detective force was ordered to be placed in the orders of the day for Tuesday next.

Fire district in Lee.

The bill to establish a fire district in the town of Lee, and for the dissolution of the existing fire district, was read a second time, amended as proposed by the committee on the Judiciary, and ordered to a third reading.

Bills.

The bills,

Requiring city and town clerks to furnish bonds;

To amend an Act relating to the rights of husbands and wives, and for the protection of minor children, were, in accordance with the reports of the committee thereon, rejected.

Ibid.

The bills,

In relation to the recording and registering of bets and wagers, and the buying and selling of pools;

Concerning street railways in the city of Boston;

Relating to the pollution of rivers, streams, and ponds used as sources of water supply, were severally ordered to a third reading.

Reformatory prison for women.

The bill to amend an Act to establish a reformatory prison for women was read a third time, and the committee on Bills in the Third Reading having reported the same in a new draft, it was read and ordered to a second reading.

Sewing-thread.

The Senate bill to amend chapter 120 of the Acts of the year 1869, to prevent fraud in the sale of sewing-thread, was read a third time and passed to be engrossed.

Sent down for concurrence.

Charles River, lands of the Commonwealth in.

The Senate resolve concerning the lands of the Commonwealth in Charles River was read a third time and passed to be engrossed.

Sent down for concurrence.

Charles River, harbor lines in.

The Senate bill in amendment of an Act to establish harbor lines on Charles River was read a third time and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Holyoke.

The Senate bill to amend the Act to supply the town of Holyoke with pure water was read a third time and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

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The Senate bill concerning the settlement of paupers was read a third time and passed to be engrossed. Settlement of paupers.

Sent down for concurrence.

Came up concurred.

The bill for the better protection of oyster-fisheries in this Commonwealth was passed over. Oyster fisheries.

The House bills, Bills.

To authorize the Framingham and Lowell Railroad Company to issue preferred stock;

To authorize the city of Salem to construct a main drain or sewer in the North River; and

The House resolves, Resolves.

In favor of Chester C. Conant;

In favor of Rebecca E. Libbey, were severally read a third time and passed to be engrossed in concurrence.

The Senate reports on the orders relative, Reports.

To further legislation for the better security of the ballot;

The fees of officers making attachments of personal property; and

On the petition of J. W. Sawtelle and others, were severally accepted.

The House reports, Exemption from taxation of ships in foreign trade.

On the order relative to the exemption from taxation of ships engaged in foreign trade; and

On the order relative to an amendment to the Constitution, providing for biennial sessions of the Legislature, and biennial elections of State officers; and Constitution.

On the petition of Warren R. Whittier and others in relation to the subject, were severally accepted in concurrence. Ibid.

The following engrossed bills (all of which originated in the House) passed to be enacted; to wit: — Bills enacted, and laid before the Governor.

To amend section 10 of chapter 92 of the General Statutes, relating to subscribing witnesses to wills.

To amend an Act establishing the terms of the Probate Court in the County of Bristol.

Relating to sidewalks, crosswalks, common sewers, and main drains in the fire-district of the town of Pittsfield, and for other purposes.

The following engrossed resolves (the first of which originated in the Senate) passed, and, with the above-named bills, were laid before the Governor for his approval, to wit: — Resolves passed, and laid before the Governor.

In favor of the Commissioners on Contagious Diseases among cattle.

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Relative to labor in State institutions.

Adjourned.

FRIDAY, April 5, 1878.

Met according to adjournment.

The journal of yesterday was read.

State lunatic hospital at Taunton.

Mr. Breed, from the committee on the Treasury, reported the resolve providing for additional buildings for the State Lunatic Hospital at Taunton; and

Mashpee.

The bill in addition to an Act to incorporate the town of Mashpee, severally without amendment; and the same were ordered to a second reading.

Reformatory prison for women.

Mr. Flatley, from the committee on the Treasury, on the resolve relating to the reformatory prison for women, reported that the same ought to pass with an amendment; and it was ordered to a second reading.

To place on probation certain persons in Suffolk County.

Mr. Russell, from the committee on the Judiciary, on the order in relation to the placing on probation of persons accused or convicted of crimes and misdemeanors within the county of Suffolk, reported a bill in relation to the subject.

Personal property held in trust.

Mr. Bishop, from the committee on Taxation, on the bill in relation to the taxation of personal property held in trust, and the order relative to the taxation of trust property, reported

A bill relating to the assessment and collection of taxes upon personal property held in trust.

Taxation of income.

Mr. Coffin, from the committee on Taxation, on the bill in relation to the taxation of income, reported the same in a new draft; and these bills were severally read and ordered to a second reading.

Savings Banks.

The same Senator, from the same committee, on the order in relation to the exemption of so much of the deposits of savings banks as are invested in real estate, from taxation, reported that it is inexpedient to legislate thereon; and the report was read, and placed in the orders of the day for to-morrow.

Inspectors of steam boilers.

The bill for the appointment of inspectors of steam boilers came up recommitted to the committee on Manufactures, with instructions to report a bill to provide for the inspection of steam boilers; and the Senate non-con-

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curred in the recommitment, and the bill was returned to the House.

Papers from the House.

Bills, Bills.

Relating to main drains and common sewers in the town of Brookline;

In relation to the compensation of auditors;

Concerning the records of deeds for the town of Dalton;

To revise the charter of the city of Fall River, were severally read and referred to the committee on the Judiciary.

A bill concerning the appointment of special commissioners for alterations in railroad-crossings (on the petition of the selectmen of Lancaster,) was read and ordered to a second reading. Railroad Crossings.

A report of the committee on Labor, on the order relative to authorizing the Bureau of Statistics of Labor to collect and disseminate information as to the demand for, and supply of, labor in the various industries in the Commonwealth, that it is inexpedient to legislate thereon; and Industries in the Commonwealth.

A report of the committee on Railroads, granting leave to withdraw, on the petition of H. W. Nelson and others, were severally read, and placed in the orders of the day for to-morrow. H. W. Nelson et als.

A petition of David L. Hodges and others for the establishment of a soldiers' home in the Commonwealth was referred in concurrence, to the committee on Military affairs. Soldiers' Home.

The orders of the day were taken up, and the bills, Bills.

To amend chapter 384 of the Acts of the year 1869, concerning the cultivation of fishes;

To amend an Act to establish a reformatory prison for women;

To incorporate the Fusilier Veteran Association of the city of Boston;

Authorizing the establishment of nautical schools, were severally read a second time and ordered to a third reading.

The bill to amend an Act providing for an increase in the number of assistant guards employed at the State Prison was read a second time, ordered to a third reading, and referred to the committee on the Treasury. State Prison.

Subsequently Mr. Adams, from said committee, reported

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the bill without amendment; and it was placed in the orders of the day for to-morrow.

Central District Court of Worcester.

The bill relating to the central district court of Worcester was passed over.

Hull and Cohasset.

Also, the bill for the protection of the shores and beaches in the towns of Hull and Cohasset.

Insane married women.

The Senate bill concerning the support of married women who are insane was read a third time and passed to be engrossed.

Sent down for concurrence.

Pollution of rivers, &c.

The Senate bill relating to the pollution of rivers, streams, and ponds used as sources of water supply, was read a third time, amended and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Bills.

The House bills,

Concerning the continuance of cases *nisi* in the Superior Court;

Concerning street-railways in the city of Boston, were severally read a third time and passed to be engrossed in concurrence.

Policies for fire and life insurance.

The House bill in relation to applications for policies of fire and life insurance was read a third time, amended in the title by inserting therein, before the word "applications," the words "misrepresentations in," and passed to be engrossed in concurrence with the amendment which was sent down for concurrence.

Came up concurred.

Fire district in Lee.

The House bill to establish a fire district in the town of Lee, and for the dissolution of the existing fire district, was read a third time as heretofore amended, and passed to be engrossed in concurrence with the amendment which was sent down for concurrence.

Bets, wagers, &c.

The bill in relation to the recording and registering of bets and wagers, and the buying and selling of pools, was assigned for consideration on Tuesday next at 2½ o'clock P.M.

Oyster fisheries.

The bill for the better protection of oyster fisheries in this Commonwealth was passed over.

Reports.

The Senate reports on the petitions of

The Ashmere Reservoir Association;

The Massachusetts Fish and Game Protective Association, were severally accepted.

Sent down for concurrence.

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The following engrossed bills (the first three of which originated in the Senate) passed to be enacted, to wit: — Bills enacted.

To amend chapter 179 of the General Statutes in relation to aiding convicts to escape from the State Prison.

Providing that selectmen may measure ponds, under chapter 82 of the Acts of the year 1874.

To authorize the construction of a narrow-gauge railroad in Sterling and Princeton.

Relating to foreign insurance companies.

To provide additional terms of the Probate Court at Fitchburg, in the county of Worcester.

To prevent over-insurance, and to define to whom payment of losses shall be made in certain cases.

To authorize the appointment of trustees for the Massachusetts School for Idiotic and Feeble-Minded Youth.

Concerning the records of locations of railroads.

To supply the town of Brockton with pure water.

On motion of Mr. Saunders, Adjournment.

Ordered, That when the Senate adjourns, it be to meet on Monday next at 2½ o'clock P.M.

Adjourned.

MONDAY, April 8, 1878.

Met according to adjournment.

The journal of Friday was read.

The following acts were laid before the Governor for his approval, to wit: — Bills laid before the Governor.

To amend chapter 179 of the General Statutes, in relation to aiding convicts to escape from the State Prison.

Providing that selectmen may measure ponds, under chapter 82 of the Acts of the year 1874.

To authorize the construction of a narrow-gauge railroad in Sterling and Princeton.

Relating to foreign insurance companies.

To provide additional terms of the Probate Court at Fitchburg, in the county of Worcester.

To prevent over-insurance, and to define to whom payment of losses shall be made in certain cases.

To authorize the appointment of trustees for the Massachusetts School for Idiotic and Feeble-Minded Youth.

Concerning the records of locations of railroads.

To supply the town of Brockton with pure water.

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Charles J. Cox.

The motion to reconsider the vote by which the resolve in favor of Charles J. Cox was refused admission under joint rule 20, was taken from the table and carried in the affirmative; and the resolve was then referred to the committee on Claims.

Sent down for concurrence.

Came up concurred.

Samuel C. Kenney.

Mr. Adams, from the committee on the Treasury, on the resolve in favor of Samuel C. Kenney, reported that said resolve ought not to pass; and it was placed in the orders of the day for to-morrow, on the question of rejection.

Acreage of certain institutions exempt from taxation.

Mr. Lynde, from the committee on Taxation, on the order relative to limiting the acreage that certain institutions may hold exempt from taxation, reported

A bill to amend chapter 11 of the General Statutes, relating to the real estate of literary, benevolent, charitable and scientific institutions; and the same was read and ordered to a second reading.

Troy and Greenfield Railroad.

Mr. Burrage, from the committee on the Hoosac Tunnel and Troy and Greenfield Railroad, on the order relative to the extension of said road in a south-easterly direction, reported that it is inexpedient to legislate thereon.

Taxation.

Mr. Coffin from the committee on Taxation, on the order in relation to legislation to promote just and equal taxation throughout the State, reported that having reported thereon in part, no further legislation is necessary thereon; and the report was read and laid on the table.

Support of Schools.

Mr. Bishop, from said committee, on the order relative to providing that all money for the support of schools shall be raised by the State rather than by municipal tax, reported that the further consideration thereof be referred to the next General Court; and the report was read and placed in the orders of the day for to-morrow.

Papers from the House.

Foster King.

A resolve (in a new draft) in favor of Foster King was read and referred to the committee on the Treasury.

Stables in Boston.

A bill relative to the re-building and improvement of stables in the city of Boston was read and referred to the committee on the Judiciary.

A resolve in favor of Thomas Mallory (on the petition

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of the same), was read and referred to the committee on the Treasury. Thomas Mallory.

Bills,

Concerning vagrants (on an order in relation to the subject); Vagrants.

To authorize the Old-Colony Railroad Company to purchase the railroad and franchises of the Duxbury and Cohasset Railroad Company (on the petition of the first-named company,) were read and ordered to a second reading. Old Colony Railroad Company.

A bill to preserve the eel fisheries in Ipswich River and its tributaries in the town of Ipswich (substituted in the House for the report on the petition of Nathaniel Burnham and others,) was read and referred to the committee on the Fisheries. Ipswich River.

Sent down for concurrence.

Came up concurred.

A report of the committee on railroads, granting leave to withdraw, on the petition of the Boston and Poughkeepsie Railroad Company; and Boston and Poughkeepsie Railroad Company.

Reports, of reference to the next General Court, of the committee on Claims, on the petitions of the towns of Sandisfield, Otis and Tolland, were severally read and placed in the orders of the day for to-morrow. Sandisfield, Otis and Tolland.

The Senate bill in relation to replevin bonds came up, and the House insists on its amendment at (A) in the first section; and Messrs. Goulding of Worcester, Wade of Newton and Pillsbury of Boston, are appointed a committee of conference on the disagreeing votes of two houses; and Replevin bonds.

Thereupon the Senate insisted on its non-concurrence; and Messrs. Merriam, White of Plymouth, and Cate, were appointed a committee of conference on the part of the Senate.

Mr. Hayes, from the committee on Towns, to whom was recommitted the bill to incorporate the town of North Adams, reported the same in a new draft; and it was read three times under a suspension of the rule and passed to be engrossed. North Adams.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Brown, the vote by which the bill to establish a fire district in the town of Lee and for the Fire district in Lee.

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dissolution of the existing fire district passed to be engrossed, was reconsidered; and the bill was laid on the table.

Sundry bills.

The orders of the day were taken up, and the bills,

With reference to the placing on probation of persons accused of crimes and misdemeanors within the county of Suffolk;

Relating to the assessment and collection of taxes upon personal property held in trust;

Concerning the appointment of special commissioners for alterations in railroad-crossings;

In addition to an Act to incorporate the town of Mashpee;

In relation to the taxation of income; and

State lunatic hospital at Taunton.

The resolve providing for additional buildings for the State Lunatic Hospital at Taunton, were severally read a second time and ordered to a third reading.

Reformatory prison for women.

The resolve relating to the reformatory prison for women was read a second time, amended as proposed by the committee on the Treasury, and ordered to a third reading.

Cultivation of fishes.

The Senate bill to amend chapter 384 of the Acts of the year 1869, concerning the cultivation of fishes, was read a third time and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

State Prison.

The Senate bill to amend an act providing for an increase in the number of assistant guards employed at the State Prison was read a third time and passed to be engrossed.

Sent down for concurrence.

Reformatory prison for women.

The Senate bill to amend an Act to establish a reformatory prison for women was read a third time and passed to be engrossed.

Sent down for concurrence.

Bills.

The House bills,

To incorporate the Fusilier Veteran Association of the city of Boston;

Authorizing the establishment of nautical schools, were severally read a third time and passed to be engrossed in concurrence.

The bill for the protection of the shores and beaches in the towns of Hull and Cohasset was passed over.

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The bill relating to the central district court of Worcester was in accordance with the report thereon, rejected. Central district court of Worcester.

The bill for the better protection of the oyster fisheries in this Commonwealth was considered, and the substitute proposed therefor by Mr. Knowlton of Bristol was amended, adopted, read and ordered to a second reading. Oyster fisheries.

The House reports, Reports.

On the order relative to the collection of information as to the demand for and supply of labor in the various industries in the Commonwealth; and

On the petition of H. W. Nelson and others, were severally accepted in concurrence.

The report on the order relative to exempting from taxation deposits in savings banks to an amount equal to the value of real estate owned by them, was considered. Deposits in Savings Banks.

Mr. Holmes proposed a substitute therefor, which was read and, with the report, laid on the table and ordered to be printed.

The following engrossed bills (the first two of which originated in the Senate) passed to be enacted; to wit: — Bills enacted, and laid before the Governor.

To amend chapter 63 of the Acts of the year 1870, relating to the maintenance of Lagoon Bridge between the towns of Tisbury and Edgartown.

Concerning plantations of timber-trees, and the tax thereon.

In relation to the indexes in the registry of deeds of the county of Suffolk.

Fixing the time and place of holding probate courts in the county of Suffolk.

An engrossed resolve in favor of George White (which originated in the House of Representatives,) passed, and, with the above-named bills, was laid before the Governor for his approval. Resolve passed, and laid before the Governor.

Adjourned.

TUESDAY, April 9, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Adams, from the committee on the Treasury, on the bill making additional appropriations for certain expenditures authorized in eighteen hundred and seventy-seven Appropriations.

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and previous years, reported that the same ought to pass with an amendment.

Disabled soldiers' employment bureau.

The same senator, from the same committee, reported the resolve in favor of the disabled soldiers' employment bureau without amendment; and the bill and resolve were ordered to a second reading.

Boston.

Mr. Brown, from the committee on the Judiciary, on the bill to authorize the city of Boston to borrow money for the purchase and improvement of land for the purposes of a public park; and

Husband and wife.

Mr. Merriam, from the same committee, on the bill relating to conveyances, gifts, and contracts between husband and wife, reported that the bills ought not to pass; and they were placed in the orders of the day for to-morrow on the question of rejection.

Recording of liens.

Mr. Coffin, from the same committee, on the order relative to providing that liens shall not be recorded at length, but only filed and indexed in the registry of deeds, reported that it is inexpedient to legislate thereon; and the report was read and placed in the orders of the day for to-morrow.

Papers from the House.

Bills.

Bills,

In relation to sales of merchandise at temporary stands in the public streets;

Relating to the disposition of certain funds in the treasury of the city of Boston;

Relative to bail in criminal cases;

To extend the application of sections 6 and 7 of chapter 123 of the General Statutes, in relation to the venue of actions in which the City of Boston is a party;

To amend section 22 of chapter 130 of the General Statutes, relating to set-off;

Relating to recognizances and bonds in municipal and district courts were severally read and referred to the committee on the Judiciary.

A bill relating to payments for burial purposes from the estates of deceased persons was read and referred to the committee on Probate and Chancery.

Discharged female prisoners.

A resolve in favor of discharged female prisoners (on the Governor's address,) was read and referred to the committee on the Treasury.

Bills.

Bills,

To incorporate the town of Danvers into a mutual fire-

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insurance company at its election (on the petition of Joshua Bragdon and others);

Relating to the expense of rebuilding Thurlow's Bridge in Newbury (on the petition of the town of Newbury);

Concerning the expenses of the Railroad Commissioners (on an order in relation to the subject);

To regulate the transaction of the business of insurance in this Commonwealth (on the special report of the Insurance commissioner,) were severally read and ordered to a second reading.

Reports.

A report of the committee on the Fisheries, granting leave to withdraw, on the petition of R. L. Mason and others; and

Reports of the committee on the Fisheries, on the orders relative to

The taking of black bass or other fish out of season;

Amending section 2, chapter 208, of the Acts of the year 1876, relative to the location of seines in Taunton Great River;

Protecting the rights of owners and lessees in private ponds, were severally read and placed in the orders of the day for to-morrow.

The following order was read and referred, in concurrence, to the committee on the State House: —

Bust of Hon. Henry Wilson.

Ordered, That the Sergeant-at-Arms be, and he hereby is, instructed to place the marble bust of Hon. Henry Wilson, now in the State Library, in some suitable place in the Doric Hall.

Street-railway corporations.

The bill concerning street-railway corporations was taken from the table and placed in the orders of the day for to-morrow.

Bills.

The orders of the day were taken up, and the bills,

To amend chapter 11 of the General Statutes, relating to the real estate of literary, benevolent, charitable and scientific institutions;

For the better protection of the oyster-fisheries in this Commonwealth;

Concerning vagrants; 2d (House, No. 100.)

To authorize the Old-Colony Railroad Company to purchase the railroad and franchises of the Duxbury and Cohasset Railroad Company, were severally read a second time and ordered to a third reading.

Samuel C. Kenney.

The resolve in favor of Samuel C. Kenney was passed over.

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Taxation of income.

The Senate bill in relation to the taxation of income was read a third time and passed to be engrossed.

Sent down for concurrence.

Railroad crossings.

The House bill concerning the appointment of special commissioners for alterations in railroad-crossings was read a third time and passed to be engrossed in concurrence.

Taxes on trust property.

The Senate bill relating to the assessment and collection of taxes upon personal property held in trust was read a third time and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Mashpee.

The bill in addition to an Act to incorporate the town of Mashpee was referred to the committee on the Judiciary.

Reformatory prison for women.

The House resolve relating to the reformatory prison for women was read a third time as heretofore amended, and passed to be engrossed in concurrence with the amendment which was sent down for concurrence.

State lunatic hospital.

The House resolve providing for additional buildings for the State Lunatic Hospital at Taunton was read a third time and passed to be engrossed in concurrence.

State Detective Force.

The bill relating to the State detective force was laid on the table.

Hull and Cohasset.

The bill for the protection of the shores and beaches in the towns of Hull and Cohasset was ordered to a third reading.

Probation of persons accused of crimes in Suffolk County.

The bill with reference to the placing on probation of persons accused of crimes and misdemeanors within the county of Suffolk was passed over.

Reports.

The Senate reports, on the order relative to extending the Troy and Greenfield Railroad in a south-easterly direction; and

On the order relative to the support of public schools by State taxation, were severally accepted.

Sent down for concurrence.

Ibid.

The House reports on the petitions of Sandisfield, Otis and Tolland, and the Boston and Poughkeepsie Railroad Company, were severally accepted in concurrence.

Board of Aid to Land Ownership.

The House bill to incorporate the Board of Aid to Land-ownership was read a third time and passed to be engrossed in concurrence.

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The following engrossed bills (the first of which originated in the Senate,) passed to be enacted; to wit: — Bills enacted, and laid before the Governor.

To amend chapter 153 of the Acts of the year 1877, entitled "An Act to incorporate the Fidelity Assurance Company of Massachusetts;"

Concerning street-railways in the city of Boston.

The following engrossed resolves (which originated in the House,) passed, and, with the above-named bills, were laid before the Governor for his approval; to wit: — Resolves passed, and laid before the Governor.

In favor of the Massachusetts Eye and Ear Infirmary.

In favor of Company C, Eighth Regiment Massachusetts Volunteer Militia.

Pursuant to assignment, the Senate proceeded to the consideration of the bill in relation to the recording and registering of bets and wagers and the buying and selling of pools; the question being on ordering the same to be engrossed; and said question was determined as follows, to wit: — Bets, wagers, &c.

YEAS. — Messrs.	Abbott,	Adams,	Barton,
	Beal,	Bishop,	Breed,
	Brown,	Burrage,	Cate,
	Coffin,	Davol,	Day,
	Ely,	Ewing,	Gardner,
	Gilbert,	Gogin,	Gregory,
	Hayes,	Hill,	Hodges,
	Holmes,	Knowlton, H. W.,	Knowlton, Wm.,
	Lynde,	Merriam,	Palmer,
	Rogers,	Ropes,	Russell,
	Sherman,	Swett,	
	White, James,	White, Jonathan. — 34.	
NAYS. — Messrs.	Canfield,	Flatley. — 2.	

So the bill passed to be engrossed in concurrence.

Adjourned.

WEDNESDAY, April 10, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Swett, on leave, introduced a bill to confirm the doings of the First Baptist Society of Brighton, and to change the name thereof; and the same was read and, under a suspension of the 20th joint rule, referred to the committee on the Judiciary. First Baptist Society in Brighton.

Mr. Breed, from the committee on the Treasury, on the resolve in favor of Foster King; and Foster King.

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Discharged female prisoners.

Mr. Flatley, from the same committee, on the resolve in favor of discharged female prisoners; and

Sewers and drains.

Mr. Russell, from the committee on the Judiciary, on the Bill to amend chapter 111 of the Acts of the year 1869, relating to sewers and drains, severally reported that said bills and resolves ought to pass; and they were ordered to a second reading.

Boston.

Mr. Merriam, from the committee on the Judiciary, on the order relative to amendment of the charter of the city of Boston, in order to vest the administration of the police department in the Board of Aldermen; and a petition of the mayor of the city of Boston in relation to the same subject, reported,

A bill in relation to the police department of the city of Boston.

Railroad corporations.

Mr. Knowlton of Bristol, from the committee on Railroads, on the order relative to amending the act to establish railroad corporations, reported,

A bill concerning the amount of capital stock required in the organization of railroad corporations, and for other purposes; and these bills were severally read and ordered to a second reading.

Mass. Temperance Alliance.

Mr. Merriam, from the committee on the Judiciary, on the petition of the Massachusetts Temperance Alliance for the establishment of a metropolitan police in the city of Boston, reported that the petitioners have leave to withdraw; and the report was read and placed in the orders of the day for Friday.

Papers from the House.

Bills,

Bills.

Relating to the sale of real estate taken for taxes;

In addition to an Act concerning the care and education of neglected children, were severally read and referred to the committee on the Judiciary.

Executors, administrators, et als.

A bill conferring upon judges of probate certain powers in relation to the removal of executors, administrators, guardians and trustees, and the enforcement of decrees made in pursuance thereof, was read and referred to the committee on Probate and Chancery.

Charitable and reformatory institutions.

A bill relating to state charitable and reformatory institutions (on the report of the commission appointed on the subject,) was read and ordered to a second reading.

Commonwealth's stock in the New-York and New-

A report of the committee on Railroads, that it is inexpedient to legislate on the order relative to donating the Commonwealth's stock in the New-York and New-England

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Railroad to the Boston and Poughkeepsie Railroad Company, was read and placed in the orders of the day for Friday. England Railroad.

A report of the committee of Conference, on the disagreeing votes of the two houses in relation to the form of the question to be proposed to the Supreme Judicial Court, the same being that the committee had been unable to agree as to the form of said question, and they recommend that each House make the request in such form as may seem most appropriate; and the report was accepted in concurrence. Money Bills.

Mr. White, from the committee on the Judiciary, reported the bill relating to insurance agents and brokers without amendment; and the same was ordered to a second reading. Insurance agents and brokers.

The orders of the day were taken up, and the bills,

Relating to the expense of rebuilding Thurlow's Bridge in Newbury;

Concerning the expenses of the railroad commissioners; and Bills.

The resolve in favor of the Disabled Soldiers' Employment Bureau, were severally read a second time and ordered to a third reading. Disabled Soldiers' Employment Bureau.

The bill making additional appropriations for certain expenditures authorized in eighteen hundred and seventy-seven and previous years, was read a second time, amended as proposed by the committee on the Treasury, and ordered to a third reading. Appropriations.

The Senate bill to amend chapter 11 of the General Statutes, relating to the real estate of literary, benevolent, charitable and scientific institutions was read a third time and passed to be engrossed. Literary and other institutions.

Sent down for concurrence.

The Senate bill for the better protection of oyster-fisheries in this Commonwealth was read a third time, further amended, and passed to be engrossed. Oyster-fisheries.

Sent down for concurrence.

Came up concurred.

The Senate bill with reference to the placing on probation of persons accused of crimes and misdemeanors within the county of Suffolk, was amended and passed to be engrossed. Probation of certain persons accused of crimes, &c.

Sent down for concurrence.

Came up concurred.

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Bills.

The House bills,

Concerning vagrants;

To authorize the Old-Colony Railroad company to purchase the railroad and franchises of the Duxbury and Cohasset Railroad Company;

For the protection of the shores and beaches in the towns of Hull and Cohasset, were severally read a third time and passed to be engrossed in concurrence.

Samuel C. Kenney.

The resolve in favor of Samuel C. Kenney was further considered, the question being on the rejection of the same; and the vote being taken, it was carried in the negative, and the resolve was ordered to a second reading.

Danvers.

The bill to incorporate the town of Danvers into a mutual fire-insurance company at its election, was read a second time and refused a third reading.

Insurance.

The bill to regulate the transaction of the business of insurance in this Commonwealth was passed over.

Husband and wife.

The bill relating to conveyances, gifts, and contracts between husband and wife, was ordered to be placed in the orders of the day for Tuesday next.

Boston.

The bill to authorize the city of Boston to borrow money for the purchase and improvement of land for the purposes of a public park was, in accordance with the report of the committee thereon, rejected.

Certificates of lien.

The report of the committee on the Judiciary, on the order relative to recording certificates of lien in registries of deeds, was accepted.

Reports.

The House reports, on the petition of R. L. Mason and others; and

On an order relative to protecting the rights of owners and lessees of private ponds; and

On the orders relative to,

Amending the Act of 1876, relative to the location of seines in the Taunton Great River; and

The taking black bass or other fish out of season, were severally accepted in concurrence.

Appropriations.

The bill making further appropriation for the expenses of the State Reform School for Boys, was taken from the table and placed in the orders of the day for Monday next.

Property and persons exempt from taxation.

The bill to amend section 5 of chapter 11 of the General Statutes, relative to property and persons exempted from taxation, was taken from the table and placed in the orders of the day for Friday.

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The bill to establish a fire district in the town of Lee, and for the dissolution of the existing fire district, was taken from the table and ordered to be placed in the orders of the day for Tuesday next. Lee fire district.

The following engrossed bills (the first of which originated in the Senate) were passed to be enacted; to wit: —

To enable mutual fire-insurance companies with a guarantee capital to issue policies on the joint-stock plan. Bills enacted.

To provide a further supply of water for the city of New Bedford.

To incorporate the Ashburnham Railroad Company, with authority to purchase and operate the Ashburnham Railroad in the town of Ashburnham.

Relative to the payment of witnesses in criminal proceedings before police, district, and municipal courts.

To authorize the Framingham and Lowell Railroad Company to issue preferred stock.

The following engrossed resolves (which originated in the House) passed; to wit: —

Providing for additional buildings for the State Lunatic Hospital at Taunton; Resolves passed.

In favor of Rebecca E. Libbey;

In favor of Chester C. Conant.

Papers from the House.

Senate bills,

To amend the law in regard to the formation of corporations for encouraging the raising of choice breeds of domestic animals and poultry; Bills.

To amend chapters 93, 94, 100, 101, and 109, of the General Statutes, relating to the bonds of executors, administrators, trustees, and guardians;

To incorporate the States Union Telegraph and Telephone Company, came up severally with amendments; and the Senate concurred therein.

Adjourned.

FRIDAY, April 12, 1878.

Met according to adjournment.

The journal of Wednesday was read.

Mr. Russell, from the committee on the Judiciary, on the bills,

Relating to recognizances and bonds in municipal and district courts; Bills.

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Relating to the disposition of certain funds in the treasury of the city of Boston; and

Mr. Merriam, from the same committee, on the bills,

Bills. Relating to arrest in certain cases;

To amend section 22 of chapter 130 of the General Statutes, relating to set-off; and

Mr. White of Plymouth, from said committee, on the bill in relation to the compensation of auditors, reported that said bills severally ought to pass; and they were ordered to a second reading.

Ibid. Mr. White of Plymouth, from the same committee, on the bills,

Relating to term fees;

In relation to sales of merchandise at temporary stands in the public streets, reported that said bills severally ought not to pass; and they were placed in the orders of the day for to-morrow on the question of rejection.

Highways. The President presented petitions of the selectmen of Dennis, and sundry others, for a change in the laws respecting damages on account of defective highways.

Referred to the committee on the Judiciary.

Alonzo Bond et als. Mr. Winn presented a petition of Alonzo Bond and others, musicians, that companies may be authorized to employ Massachusetts bands when in camp.

Referred, under suspension of the 20th joint rule, to the committee on Military Affairs.

Sent down for concurrence.

Papers from the House.

Trespass on land. A bill to prevent trespass on land, being a substitute for the Senate bill of the same title, was laid on the table.

Bills,

Bills. Creating a lien upon horses and other domestic animals for the expenses of their care and keeping;

To provide for the recovery of lands unlawfully held against purchasers at mortgagees' sales;

Relative to tender and offer of judgment in land damage and lien cases;

To authorize the Massachusetts Charitable Mechanic Association to erect a wooden building in the city of Boston;

Relating to the apportionment of sewer and sidewalk assessments;

To confirm certain acts of the town of Tyringham;

To amend an Act relating to elections, were severally read and referred to the committee on the Judiciary.

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Bills,

Relating to State contracts and expenditures; Bills.

Authorizing the Board of Education to make certain expenditures in connection with the Paris Exposition, (on the Governor's address,) were severally read and referred to the committee on the Treasury.

A bill apportioning taxes on real estate, when divided before the payment of the taxes, or sale of the real estate (on an order in relation to the apportionment of taxes in case of division of estates,) was read and ordered to a second reading. Taxes on real estate.

On motion of Mr. Winn, under a suspension of the rule, the vote by which the bill concerning the appointment of special commissioners for alterations in railroad-crossings passed to be engrossed on Tuesday last, was reconsidered; and, on the further motion of the same Senator, the bill was amended, and again passed to be engrossed in concurrence with the amendment which was Railroad-crossings.

Sent down for concurrence.

Came up concurred.

The orders of the day were taken up, and the bills,

To amend chapter 111 of the Acts of the year 1869, relating to sewers and drains; Bills.

Relating to insurance agents and brokers;

Relating to State charitable and reformatory institutions; and

The resolves,

In favor of Foster King; Resolves.

In favor of discharged female prisoners, were severally read a second time and ordered to a third reading.

The bill concerning the amount of capital stock required in the organization of railroad corporations, and for other purposes, was read a second time, amended, and ordered to a third reading. Railroad corporations.

The resolve in favor of Samuel C. Kenney was read a second time and refused a third reading. Samuel C. Kenney.

Subsequently Mr. Knowlton of Bristol moved a reconsideration of the vote by which the resolve was refused a third reading; and the motion was placed in the orders of the day for to-morrow.

The bill in relation to the police department of the city of Boston was ordered to be placed in the orders of the day for Wednesday next. Boston.

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Massachusetts Temperance Alliance.

The report on the petition of the Massachusetts Temperance Alliance for the establishment of a metropolitan police in the city of Boston was accepted.

Sent down for concurrence.

Came up concurred.

Commonwealth's stock in New-York and New-England Railroad Company.

The House report on the order in regard to the donation by the Commonwealth of its stock in the New-York and New-England Railroad to the Boston and Poughkeepsie Railroad Company, was accepted in concurrence.

Persons and property exempt from taxation.

The bill to amend section 5 of chapter 11 of the General Statutes, relative to property and persons exempted from taxation, was amended and ordered to a third reading.

Appropriations.

The House bill making additional appropriations for certain expenditures authorized in eighteen hundred and seventy-seven, and previous years, was read a third time as heretofore amended, and passed to be engrossed in concurrence with the amendment which was

Sent down for concurrence.

Came up concurred.

Bills.

The House bills,

Relating to the expense of rebuilding Thurlow's Bridge in Newbury;

Concerning the expenses of the Railroad Commissioners; and

The House resolve in favor of the Disabled Soldiers' Employment Bureau, were severally read a third time and passed to be engrossed in concurrence.

The bills,

Concerning street-railway corporations;

To regulate the transaction of the business of insurance in this Commonwealth, were severally passed over.

Bills and resolves laid before the Governor.

The following Acts and resolves were laid before the Governor for his approval, to wit: —

Acts,

To enable mutual fire-insurance companies with a guarantee capital to issue policies on the joint-stock plan.

To provide a further supply of water for the city of New Bedford.

To incorporate the Ashburnham Railroad Company, with authority to purchase and operate the Ashburnham Railroad in the town of Ashburnham.

Relative to the payment of witnesses in criminal proceedings before police, district and municipal courts.

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To authorize the Framingham and Lowell Railroad Company to issue preferred stock.

Resolves,

Providing for additional buildings for the State Lunatic Hospital at Taunton.

In favor of Rebecca E. Libbey.

In favor of Chester C. Conant.

On motion of Mr. Saunders,

Ordered, That, when the Senate adjourns, it be to meet on Monday next at two o'clock, P.M. Adjournment.

Notice was received from the House of Representatives that the Senate bill to amend section 31 of chapter 384 of the Acts of the year 1869, relating to the penalty for taking smelts or white perch, had been rejected by that branch. Smelts or white perch.

Adjourned.

MONDAY, April 15, 1878.

Met according to adjournment.

The journal of Friday was read.

Mr. Coffin, from the committee on the Judiciary, on the bills,

In relation to embezzlement by town, city, and county officers; Bills.

Relative to the rebuilding and improvement of stables in the city of Boston; and

Mr. White of Plymouth, from the committee on Probate and Chancery, on the bill conferring upon judges of probate certain powers in relation to the removal of executors, administrators, guardians, and trustees, and the enforcement of decrees made in pursuance thereof, reported that said bills severally ought to pass; and they were ordered to a second reading. Removal of executors et als.

Mr. Breed, from the committee on the Treasury, reported the bill relating to State contracts and expenditures without amendment; and the same was ordered to a second reading. State contracts, etc.

Papers from the House.

Bills,

To repeal chapter 250 of the Acts of the year 1877, relating to the arrest and examination of judgment debtors; Bills.

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In relation to the election of selectmen and assessors of towns, were severally read and referred to the committee on the Judiciary.

Newburyport. A bill to supply the city of Newburyport with water (on the petition of said city) was read and ordered to a second reading.

Reformatory prison for women. The House resolve relating to the reformatory prison for women came up non-concurred in the Senate amendment therein; and the same was laid on the table.

Sewing-thread. The Senate bill to prevent fraud in the sale of sewing-thread came up concurred with an amendment which was adopted in concurrence.

Railroads. A report of the committee on Railroads, referring so much of the Governor's address as relates to the fencing of railroads, to the next General Court, was read and placed in the orders of the day for to-morrow.

Troy and Greenfield Railroad. Mr. Winn, from the committee on the Hoosac Tunnel and the Troy and Greenfield Railroad, on the bill to confirm the location of the Troy and Greenfield Railroad, and for other purposes, reported the same in a new draft; and it was read and ordered to a second reading.

Damages for injuries on highways. The same Senator presented a petition of the selectmen of Monroe for amendment of the laws relative to the recovery of damages for injuries caused by defects in highways.

Referred to the committee on the Judiciary.

Constitution. The resolve providing for an amendment to the Constitution, to prohibit the alienation of the title of the Commonwealth in the Troy and Greenfield Railroad and Hoosac Tunnel, was taken from the table and referred to the committee on the Judiciary.

Trespass on land. The bill to prevent trespass on land was taken from the table; and the Senate concurred in the amendment proposed by the House therein.

Samuel C. Kenney. The orders of the day were taken up; and the motion to reconsider the vote whereby the resolve in favor of Samuel C. Kenney was refused a third reading, was passed over.

Bills. The bills,

Apportioning taxes on real estate, when divided before the payment of the taxes, or sale of the real estate;

In relation to the compensation of auditors;

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Relating to arrest in certain cases;
Relating to the disposition of certain funds in the treasury of the city of Boston;
To amend section 22 of chapter 130 of the General Statutes, relating to set-off;
Relating to recognizances and bonds in municipal and district courts, were read a second time and ordered to a third reading.

Term fees.

The bill relating to term fees was considered, the question being on the rejection of the same; and, the vote being taken, it was carried in the negative, and the bill was then read a second time and refused a third reading.

Bills.

The House bills,
To amend chapter 111 of the Acts of the year 1869, relating to sewers and drains;
Relating to insurance agents and brokers; and

Resolves.

The House resolves,
In favor of Foster King;
In favor of discharged female prisoners, were severally read a third time and passed to be engrossed in concurrence.

Bills.

The bills,
In relation to sales of merchandise at temporary stands in the public streets;
Concerning the amount of capital stock required in the organization of railroad corporations, and for other purposes, were severally passed over.

State charitable and reformatory institutions.

The bill relating to State charitable and reformatory institutions was ordered to be placed in the orders of the day for Thursday next.

Property and persons exempt from taxation.

The House bill to amend section 5 of chapter 11 of the General Statutes, relative to property and persons exempted from taxation, was read a third time as heretofore amended, and passed to be engrossed in concurrence with the amendment which was

Sent down for concurrence.

State Reform School for Boys.

The bill making further appropriation for the expenses of the State Reform School for Boys was placed first in the orders of the day for to-morrow.

Street-railway corporations.

The bill concerning street-railway corporations, with the substitute proposed therefor by Mr. Palmer, was recommitted to the committee on Street Railways.

Insurance.

The bill to regulate the transaction of the business of

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insurance in this Commonwealth was ordered to a third reading.

Bills enacted, and laid before the Governor.

The following engrossed bills (the first three of which originated in the Senate,) passed to be enacted, and were laid before the Governor for his approval, to wit: —

To enable the County Commissioners of the County of Barnstable to borrow money for the purpose of constructing a jail and house of correction, and for other purposes.

To repeal sections 76 and 77 of chapter 49 of the General Statutes, concerning pressed hay and straw.

To incorporate the town of North Adams.

Concerning the continuance of cases *nisi* in the superior court.

Adjourned.

TUESDAY, April 16, 1878.

Met according to adjournment.

The journal of yesterday was read.

Trustees and trust estates.

Mr. Merriam, from the committee on the Judiciary, to whom was committed the bill relating to trustees and trust estates, reported the same in a new draft; and the bill was read and ordered to a second reading.

Deputy-sheriffs.

Mr. Russell, from the committee on the Judiciary, on the bill relating to the attendance of deputy-sheriffs upon the supreme judicial and superior courts; and

Dalton.

Mr. Brown, from the same committee, on the bill concerning the records of deeds for the town of Dalton, severally reported that said bills ought not to pass; and they were placed in the orders of the day for to-morrow on the question of rejection.

Tyringham.

Mr. Brown, from the same committee, on the bill to confirm certain acts of the town of Tyringham, reported that said bill ought to pass; and it was ordered to a second reading.

Papers from the House.

Bills.

Bills,

To authorize the collection of interest on district taxes (on the petition of S. W. Carpenter et als.);

In relation to railroad police (a new draft of the Senate bill in relation to the subject,) were severally read and ordered to a second reading.

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A bill relating to registration and elections in the city of Boston was read and referred to the committee on the Judiciary. Boston.

The Senate bill to amend section 1 of chapter 331 of the Acts of the year 1870, relating to hawkers and peddlers, came up concurred, with an amendment in the title, making the same to read as follows: "Bill relating to hawkers and peddlers;" and the same was laid on the table. Hawkers and peddlers.

The Senate bill to abate a nuisance in the city of Boston, and for the preservation of the public health in said city, came up concurred, with an amendment; and the consideration thereof was passed over. Boston.

Resolves, Resolves.

In favor of Bridget Murphy of Merrimack;

In favor of Amaziah Mayo and George G. Baker (on the petition of the same,) were severally read and referred to the committee on the Treasury.

The following engrossed bills (the first seven of which originated in the Senate,) passed to be enacted, to wit: — Bills enacted, and laid before the Governor.

To amend chapters 93, 94, 100, and 109 of the General Statutes, relating to the bonds of executors, administrators, trustees and guardians.

Concerning sewers and drains in the city of Newton.

To extend the jurisdiction of trial-justices in certain criminal cases, amending chapter 78 of the Acts of the year 1863.

Giving to the Second District Court of Bristol and the Third District Court of Bristol concurrent jurisdiction in the towns of Westport and Freetown.

To authorize associations for raising choice breeds of domestic animals and poultry.

To incorporate the States Union Telegraph and Telephone Company.

In relation to the terms of the Supreme Judicial Court for the counties of Nantucket and Dukes County.

To incorporate the Board of Aid to Land-ownership.

In relation to misrepresentations in applications for policies of fire and life insurance.

To authorize the Old-Colony Railroad Company to purchase the railroad and franchises of the Duxbury and Cohasset Railroad Company.

An engrossed resolve, reimbursing sundry cities and towns for payments made on account of rent of armories Armory rent.

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(which originated in the Senate,) passed, and, with the above-named bills, was laid before the Governor for his approval.

Dogs. Mr. Gregory, from the committee on Agriculture, to whom was recommitted the bill to further provide for the licensing and restraining of dogs, and for the recovery of damages for injuries inflicted by them, reported the same in a new draft; and it was read and ordered to a second reading.

The orders of the day were taken up, and the bills,

Bills. In relation to embezzlement by town, city and county officers;

Conferring upon judges of probate certain powers in relation to the removal of executors, administrators, guardians and trustees, and the enforcement of decrees made in pursuance thereof;

Relative to the rebuilding and improvement of stables in the city of Boston;

Relating to State contracts and expenditures, were severally read a second time and ordered to a third reading.

Newburyport. The bill to supply the city of Newburyport with water was read a second time, amended, and ordered to a third reading.

The House bills,

Bills. Apportioning taxes on real estate, when divided before the payment of the taxes or sale of the real estate;

In relation to the compensation of auditors;

Relating to the disposition of certain funds in the treasury of the city of Boston;

To amend section 22 of chapter 130 of the General Statutes, relating to set-off, were severally read a second time and ordered to be engrossed in concurrence.

Lee fire district. The House bill to establish a fire district in the town of Lee, and for the dissolution of the existing fire district, was amended and passed to be engrossed in concurrence with the amendment which was

Sent down for concurrence.

Came up concurred.

Husband and wife. The bill relating to conveyances, gifts, and contracts between husband and wife, was passed over.

State Reform School for Boys. The bill making further appropriation for the expenses of the State Reform School for Boys was laid on the table.

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Mr. Winn moved a reconsideration of the vote by which the resolve, providing for an amendment to the Constitution to prohibit the alienation of the title of the Commonwealth in the Troy and Greenfield Railroad and Hoosac Tunnel, was referred to the committee on the Judiciary; and, the vote being taken, the motion was carried in the negative: so the Senate refused to reconsider. Constitution.

The resolve in favor of Thomas Cahill was taken from the table. Thomas Cahill.

Mr. Coffin asked the decision of the chair as to the right of the Senate to originate said resolve under the Constitution, the same being a resolve appropriating money from the treasury of the Commonwealth.

The President decided that the resolve was properly before the Senate, and addressed the Senate as follows: —

On the 11th of April, 1878, upon motion of Mr. Coffin of Middlesex, the Senate resolve in favor of Thomas Cahill was taken from the table, the question being on suspending the 17th rule, in order to reconsider the vote whereby it was ordered to a third reading. Mr. Coffin thereupon rose to a point of order, which was, that the resolve was a "money bill" within the provisions of chapter 1, section 3, article 7, of the Constitution, declaring that "all money bills shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills."

The Chair ruled that the point of order was not well taken.

Upon the same day the same point was raised by Mr. Coffin as to the House "bill making further appropriations for the expenses of the State Reform School for Boys," the question being on concurring with the House in referring it to the committee on Public Charitable Institutions.

The Chair delivered an oral opinion upon the point of order in each case, overruling the same, and announcing, that, in accordance with the usage of the Senate, he should file his views in writing in the office of the clerk, to be inserted in the journal.

April 19 the Senate adopted the following order: —

"*Ordered*, That the opinion of the justices of the Supreme Judicial Court be requested upon the following questions: —

"First, Can the Senate, under the provisions of chapter 1, section 3, article 7, of the Constitution, originate a bill or resolve appropriating money from the treasury of the Commonwealth?

"Second, Can the Senate, under said provisions, originate a bill or

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resolve in any way involving, directly or indirectly, the expenditure of money from the treasury, or imposing any burden or charge thereon?"

And the opinion of the President was ordered to be printed.

RULING.

If this were a mere question upon the construction of a constitutional provision, it would not be within the province of the presiding officer to attempt to decide it. But it is also a question of order, as several of my predecessors have expressly held; and it is therefore my duty to pass upon it, subject to an appeal.

The resolve in favor of Thomas Cahill recites his arrest on the charge of murder, his confinement and release, without trial, by and at the instance of Massachusetts officials, his mental and bodily suffering and expense in consequence thereof, and "therefore" concludes: "*Resolved*, That the sum of one thousand dollars be paid to Thomas Cahill, and the same is hereby appropriated."

This is clearly a grant of money and a present appropriation of the same, and is therefore a bill of supply and a bill of appropriation, as those terms are at present understood in the British House of Commons. If the phrase "money bills" includes such, then plainly this resolve cannot constitutionally originate in the Senate.

On the 21st of February last, Mr. Swett of Essex introduced here, on leave, "a bill in addition to an Act making appropriations for the expenses of the State Almshouse, the State Workhouse, the State Prison, the State Primary School, the State Reform School for Boys, the State Industrial School for Girls, the State detective force, and for other purposes." The Act to which this bill purports to be an addition was a general appropriation bill reported to the House of Representatives by its committee on Finance, Feb. 4 last, which had already become a law. The bill here introduced is as follows:—

"SECT. 1. There is hereby appropriated, to be paid from the ordinary revenue, unless otherwise ordered, a sum not exceeding nineteen thousand two hundred and seventy-seven dollars, in addition to the amount heretofore appropriated for the support of the State Reform School for Boys at Westborough.

"SECT. 2. This act shall take effect upon its passage."

The bill was referred to the joint committee on Public Charitable Institutions, and was sent to the House for concurrence in that reference on the same day, Feb. 21.

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March 13, a bill was received from the House, entitled "A Bill making further appropriations for the State Reform School for Boys." It was indorsed as follows: —

HOUSE OF REPRESENTATIVES, March 12, 1878.

Introduced on leave by Mr. Pillsbury of Boston. Referred to Committee on Public Charitable Institutions. Sent up for concurrence.

GEO. A. MARDEN, *Clerk.*

On inspection it was observed, that, except in its title, the bill was an exact transcript of the Senate bill, of which a copy has been above given; and it was laid upon the table. Subsequently a message was sent to the House requesting the return of the Senate bill; and, upon the 20th of March, it was accordingly returned by the House, bearing the following indorsement: —

HOUSE OF REPRESENTATIVES, Feb. 25, 1878.

Read and ruled out as a money bill on a question of order raised by Mr. Bird of Walpole.

GEO. A. MARDEN, *Clerk.*

Certainly this is a "money bill," unless the Senate can constitutionally originate a bill appropriating money. Both bills are now properly before the Senate; and the ruling of the Chair is sought upon the questions involved.

The Chair is of the opinion that the bill appropriating money for the Reform School can originate here, as will appear from the discussion hereafter to be entered into. If the decision of the Chair stands as the judgment of the Senate, the next question in the order of business will be, What action shall be taken upon the two bills? This is a matter for the Senate to decide; but the Chair has examined and will state the precedents.

During the session of 1868 resolves in favor of Stephen I. Newman, Oliver Nowell, David E. Blackstock, and others, Isaac Flye, H. D. Parker & Co., Elizabeth W. Morse, Emily J. Cressy, and in aid of the Temporary Asylum for Discharged Female Prisoners at Dedham (all granting money), respectively originated in the Senate, and were sent to the House of Representatives. They were there held to be money bills, which could legally originate in the House of Representatives only, in accordance with the ruling of Speaker Jewell upon the resolve in favor of Newman (Journal of the House of Representatives, 1868, p. 385); and a message was sent to the Senate informing this body that the House, on that account, had declined to receive and entertain them. Subsequently, the House directed its

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committee of Finance to include these various matters in new resolves, which was done, except where already provided for.

The message from the House was referred to a special committee, which submitted a report sustaining the right of the Senate to originate the resolves in question (Journal of the Senate, 1868, p. 383). The report was accepted.

May 5, the House resolve in favor of H. D. Parker & Co., substituted for that which originated in the Senate, was returned from the Senate, with an indorsement that it was respectfully returned, because identical with that previously sent by the Senate to the House (House Journal, 1868, p. 456).

May 4, 1868, the Senate returned to the House the House resolve in favor of Isaac Flye as identical with the resolve which passed the Senate April 6 last past, except that the word "April" was substituted for "January," and was an original resolve, making no reference to that already passed by the Senate (Senate Journal, p. 321).

In the session of 1869 a resolve in favor of Gershom B. Weston, originated in the Senate, was passed, and sent to the House, where it was laid aside as a money bill (House Journal, 1869, p. 630). A new resolve to effect the same object was introduced, engrossed, and sent to the Senate, which returned it with the following indorsement: —

SENATE, June 22, 1869.

"The Senate having once passed a resolve identical with this, and sent the same to the House of Representatives, and having received no notice that the said resolve has been rejected by that branch, or that this resolve is a substitute therefor, the Senate consequently declines to pass said resolve, and returns the same to the House."

This paper having been read for information, the resolve was placed on file (House Journal, p. 648).

The grant to Weston was afterwards included in a general appropriation bill by the House.

In 1870 a resolve in favor of Amos Brown, a contractor, to erect buildings for the State, was sent from the Senate to the House, and there ruled out as a money bill; and a new resolve with the same title was introduced, and referred to the committee of Finance, with instructions to include it in a general appropriation bill. Since 1870 it has been customary with the House to include the bill or resolve rejected as a money bill in a new one introduced on leave, and sent to the Senate without notice. The Chair is not aware that the House has notified the Senate

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of such action in any year since 1868. This practice is in accordance with that sometimes followed in the House of Commons, of which something will be said hereafter.

The question under consideration is one of right and privilege, such as is contemplated in chapter 1, section 3, article 11, of the Constitution: "The Senate and House of Representatives may try and determine all cases where their rights and privileges are concerned, and which, by the Constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best." The same powers, in every respect, are conferred by the Constitution upon each branch; and it has never been pretended that the Senate is in any way restricted, except so far as it is done by the true meaning of the words "money bills." This is a case of privilege, and the analogous questions have always been so considered in the British Parliament. It is, however, a question of the privileges of the Senate alone; for, of course, the absolute right of the House to originate bills of every description has never been and cannot be doubted. The right of the Senate to originate bills and resolves granting money was questioned in 1783, soon after the adoption of the Constitution.

The controversy was apparently settled in favor of this branch at that time, and, it is believed, was not re-opened for eighty-five years, or until 1868. It is undoubtedly considered by the Senate, that the settlement of 1783 ought to be conclusive, from the circumstances under which it was made; and it will be so argued in this place. But it is nevertheless true that this is a case of constitutional construction, which each branch, in every year, has the power of deciding for itself. There is no ultimate tribunal which can determine the question. For the last ten years the House has denied the privilege of the Senate. The controversy has created jealousy, and caused irritation. It ought to be settled in the interest of legislative harmony, and for the promotion of public business. It is certainly to be hoped we shall discuss it with candor and in good-humor, and that the result of research and argument in either House, aided by the disinterested opinion which both branches are preparing to invoke, will convince the Senate that it ought to recede from its pretension, or the House of Representatives that it ought to concede the privilege.

No apology can be necessary for discussing the subject at such length as its importance and nature require, and is

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indeed rendered necessary by the positions assumed in the House of Representatives.

The Senate cannot originate a "money bill." What, then, is meant by the term "money bills" in the Constitution?

The first available exposition of its meaning was by President Upham in the Senate, in 1857, when there was no controversy pending between the Houses, but when the opinion of the Chair was sought by a Senator upon the admissibility of a resolve to refund to an insurance company certain overpaid taxes (Hale's Debates, 1857, p. 163).

President Upham's opinion was, that "money bills" in this clause of the Constitution means "bills for raising revenue," and is therefore the equivalent of the provision in article 1, section 7, of the Federal Constitution. His conclusion is, that, "in abstaining from *bills raising money*, the Senate fully meets the constitutional provision on this subject."

Mr. Speaker Jewell sharply criticised this opinion, and, the Chair feels bound to admit, with some reason. But it does not clearly appear whether it is printed in the debates from a manuscript of President Upham, or is an abstract of a newspaper reporter, as most of the reports of that year were. If the latter, doubtless great injustice is done to Mr. Upham's reasoning. But there will be an attempt here to show that his conclusion was sound.

In 1866 a decision upon a money bill first appears in the House Journal (p. 346), when Mr. Speaker Stone ruled that a bill to furnish aid to the Troy and Greenfield Railroad and Hoosac Tunnel was a money bill, and could not originate in the Senate, because it provided for raising money by a loan. The bill appropriated $900,000 for the work, and for interest accrued and to accrue, which was to be raised by the sale of scrip or certificates of debt. It was therefore a bill to obtain money to bring into the treasury to meet the obligations the State proposed to assume, and incurred a debt which could ultimately be liquidated only by some form of taxation. It was, then, fairly a bill for raising revenue, which the Senate has never claimed the power to originate, and which, as a money bill, ought to come from the House to this branch. The same ruling was made in the same session by Speaker Stone on a bill to aid the construction of the European and North-American Railway, which also authorized the treasurer to issue bonds or scrip payable in thirty-three

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years; and this decision stands upon the same ground (House Journal, p. 394), and is not objectionable.

May 1, 1866, a bill was reported in the Senate by its committee on the Judiciary, entitled "An Act relating to the assessment of taxes upon shares in foreign corporations," which provided that certain deductions should be made from the assessed value; "and the tax shall be assessed only on the balance."

As it went to the House from the Senate, it contained a provision that "a tax should be laid and collected under the provisions thereof for the present year." It was referred in the Senate to an able special committee, which reported (Senate Doc. No. 292, 1866) upon the question of privilege, "that money bills, within the meaning of the Constitution, are bills for raising revenue." Of the bill they say, "It is a bill to remit a certain tax. Of course, therefore, the passage of the bill affects the whole system of taxation. It affects the raising of revenue; and it appears to the committee that it comes clearly within the meaning of 'money bills,' as defined to be bills for raising revenue, and, as such, cannot constitutionally originate in the Senate." Most surely this was the correct conclusion. A bill to reduce revenue by taxation from one kind of property implies, or may imply, the increase of taxation upon other kinds of property, to meet the necessities of the State. It ought, therefore, to originate with the branch which alone has power to levy or augment taxes. The greater includes the less. A bill to raise a less amount of revenue than before is still a bill to raise revenue. The Senate, therefore, exceeded its power when it refused to accept the report of its committee, and took jurisdiction of the bill. It is not surprising that, upon its arrival in the House, Speaker Stone held, that, "whatever else the provision of the Constitution may include, in the opinion of the Chair there can be no doubt that a bill to provide for the assessment of a tax to raise money to put in the public treasury is a 'money bill' within the plain language and intent of the Constitution" (House Journal, 1866, p. 438).

It will be observed that the Speaker carefully refrains from asserting that the constitutional provision includes any thing "else."

With the rulings of Speaker Stone, therefore, no fault can be found by any judicious supporter of the privileges of the Senate.

It is, then, an indisputable fact that the well-known

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ruling of Speaker Jewell in 1868, upon the resolve in favor of Stephen I. Newman, was the first instance in which the privilege claimed for the Senate has been denied since the well-established accord of 1783 (House Journal, 1868, p. 385).

During the time of Mr. Speaker Sanford, 1872–75, sundry Senate bills were laid aside as being money bills; but the Chair is not aware that that able parliamentarian ever discussed the subject from his place, or in any way more than formally acquiesced in the ruling of his immediate predecessor. The present able and candid Speaker, Mr. Long, has ruled out one of the matters now under consideration as a money bill; but the Chair may be pardoned for the suggestion, that possibly this ruling is made rather in deference to the large research and definite assertion of Speaker Jewell, than to personal investigation and deliberate determination, as of an original question.

The privilege of the Senate was, in the same session, again vindicated in the report of a special committee (Senate Journal, 1868, p. 383).

And in 1869 Mr. President Pitman re-affirmed it in a very able and well-reasoned opinion, fortified by many precedents, and exhibiting much research. The case might safely be rested upon that ruling (Senate Journal, 1869, p. 340, on the resolve in favor of Edmund Bliss). But of the Senators of 1869, only one is a member of this body, and only one or two others have had occasion to investigate this subject; so that, occasion having now arisen, in consequence of the action of the House, the Chair deems it expedient to discuss the matter further, upon some aspects of the question not so particularly adverted to by President Pitman.

Assuming, then, that the grounds upon which the House denies the privilege of the Senate are fully (as they are ably) set forth in the elaborate opinion of Mr. Speaker Jewell in 1868, what are those grounds?

On p. 389 the Speaker states what he conceives to be the object of the inquiry to be made. "The real question," he says, "is what was understood by the term 'money bill' at the time of the adoption of our Constitution in 1780. To determine this, we must consult the history and writings of the times:" —

"There is no doubt that this clause of our Constitution was intended to be an application to our fundamental law of that part of the British Constitution which gave to the *House of Commons* the exclusive sight to originate *all bills*

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which imposed burdens upon the people, or disposed of the funds which had been collected and placed in the treasury.

"In the year 1678 a very bitter contest arose, the final result of which fixed the right of the *Commons* as it has ever since been maintained.

"No persons in the British Empire knew better than our ancestors the constitutional and parliamentary history of England; none had followed more closely than they the progress of the contest between the Crown and the *Commons*. In all cases they followed the fortunes of the *Commons:* they knew their prerogatives. Especially during the years immediately preceding the Revolution they had scrutinized and examined every part of the British Constitution, and knew as well as any, perhaps better than any, all those parts of it which secured the rights of the people or their immediate representatives (p. 396).

"Did they not know the signification of the words 'money bills'?

"If we trace the history of our Constitution, we shall find that its framers used the language they did, in regard to the subject now under examination, in the same sense in which it was used by the parliamentarians and historians of England at the time (p. 396).

"We have therefore," says the Speaker, "to aid us in coming to a correct decision of this question: —

. . . . . .

"2d, The use of the term 'money bills' in parliamentary proceedings and in parliamentary and historical writers from the earliest times, certainly through the whole of the seventeenth and eighteenth centuries, as descriptive of those bills which it was the prerogative of the *Commons* to originate, and which the Lords might accept or reject, but which they could not amend.

"3d, The contemporaneous use of the same words, in the same sense, in this State, by our own public writers, in treating of a constitution to be adopted, harmonizing entirely with the natural import of the words; the use of the same words in England at the time, and with the well-known prerogatives of the *House of Commons*, whose contests for the rights of the people against the Crown and against the Lords our fathers had closely watched, and in which they were so deeply interested.

"Can any doubt remain as to the signification of the words 'money bills'? The Chair can entertain none" (p. 399).

From these citations it seems to be clear that the claim

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of the House of Representatives, as stated by Speaker Jewell, is, that the Constitution has fixed and established in that branch, by the use of the term "money bills," the exclusive right and duty of originating all bills which the House of Commons then maintained and claimed as their exclusive prerogative; i.e., "all bills *which imposed burdens upon the people*, or disposed of the funds which had been collected and placed in the treasury," — the right of the Commons to originate bills levying taxes and raising revenue has not been doubted for centuries, either in England or in this country, — in other words, the Speaker claims that the whole exclusive privilege claimed for itself by the House of Commons, as to originating bills of the above character, is vested in the House of Representatives by virtue of the constitutional provision. Let us concede, for the purpose of the argument, that such is the case. Then the whole of that privilege is in the House of Representatives. It cannot take a part, and leave a part: it is its duty to assert it entire. And, if to claim and exercise it entire reduces the doctrine to an absurdity, then the whole question is again open as to what portion of the privilege claimed by the House of Commons is really vested in our House of Representatives.

What, then, is the privilege of the House of Commons?

In another place (p. 401), the Speaker says, that the provision once recommended by a committee to the Convention at Philadelphia to form the Federal Constitution in 1787, "that all bills for raising or appropriating money, and for *fixing the salaries of officers of the government of the United States*, shall originate in the first branch" (the House), "and shall not be altered or amended by the second branch" (the Senate), "it will be seen, was an exact transcript of the rights of the *House of Commons*."

But this does not embrace the whole right of the House of Commons, which also claimed, as the Speaker has before said (p. 389), "the exclusive right to originate all bills which imposed burdens upon the people." And the words *imposing burdens upon the people* constitute a vast and almost illimitable portion of the exclusive privilege claimed by the House of Commons.

The Speaker does not state in detail the claim of the Commons, though he asserts it in gross.

Elsewhere he says, "There has been no change in the English Constitution, and no enlargement or limitation of the prerogative of the House of Commons, within the last century" (p. 394).

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Mr. Speaker Jewell and his successors, following him, having thus founded their claim of exclusive privilege for the House of Representatives upon that of the House of Commons in Great Britain, of which they assume our House to be the successor under the Constitution, just as they consider the Senate to occupy the same position as the House of Lords, let us, in the first place, ascertain what and how extensive is the established privilege of the House of Commons. We shall also take occasion to refer to the very authorities upon which the Speaker relies.

Lumley's treatise on "Parliamentary Practice on passing Private Bills, &c." (London, 1838), thus discriminates the bills which should originate in either House: —

"Bills affecting peerage, restitution of honors or blood, reversal of outlawries, divorce bills, and estate bills, except those which contain any money clause, or in which provision is made affecting any interest of the Crown, and bills of a judicial nature, must originate in the House of Lords" (p. 1).

"All bills containing any clause by which money is authorized to be raised on the subject, as by tolls, rates or duties, penalties or fines, or in any form whatever, or which may by construction be considered as imposing a burthen on the subject, as bill for enclosing and draining lands, making turnpike-roads, navigations, canals, aqueducts, railroads, &c., must originate in the House of Commons. Other bills may be introduced in either House."

Says Mr. Speaker Jewell (p. 392, House Journal, 1868), "Hatsell is the highest authority upon matters of Parliamentary law; and, as we are now seeking to know what was the privilege or prerogative of the Commons at the time when our Constitution was framed, — 1779–80, — it is to be observed that his work was written in 1784, and published in 1786, and so his is a contemporary authority on this subject."

Writing of the manner in which the Kings of England in former times "obtained aids, as well from the clergy as the laity," Hatsell says (vol. iii. p. 65), "Whenever any extraordinary aid was necessary for the purposes of carrying on a war, or any other object, to which the established revenue of the Crown, arising from its estates or from those dues and services annexed to the lands which were held immediately of the Crown, was not adequate, it was a principle, not only of the English Constitution, but of the governments of France and Spain, and of all the other nations which were established upon the ruins of the Roman Em-

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pire, that the Crown should apply to the States in whatever form they existed, and should have no power in itself in levying this aid without the consent of the people, and subject to such rules and conditions as they should choose to impose.

"During the reign of the three Edwards, the grants were by the clergy for themselves, by the earls, barons, and knights for themselves, and the communities of the counties for themselves. And we find that in the reign of Edward IV., so late as the year 1472, the Commons having voted a supply to be levied according to a proportion out of all lands and tenements, the Lords spiritual and temporal did also tax themselves, by way of grant unto the king, the tenth part of one whole year's revenue of all and singular their lands and possessions. The forms of these extraordinary grants were either in tenths or fifteenths, or by way of subsidies, or a tonnage upon wines, and poundage or prisage upon goods." Up to this time, therefore, there was no pretence of an exclusive privilege of the Commons (p. 68) to levy taxes or grant subsidies, except upon their separate estates.

But in 1407, the 9th of Henry IV., the king declared, by what is known as the Indemnity of the Lords and Commons, "that any grant, granted by the Commons and assented to by the Lords, shall be reported to the king" by the mouth of the Speaker of the House of Commons for the time being (Hatsell, vol. iii. p. 105).

But up to 1678 the Commons did not, in all cases, insist upon their right to have subsidy bills pass unamended.

Upon page 104, Mr. Hatsell observes, "We see from the foregoing cases, that, in the earlier parts of the history of this country, there are *instances* of a jealousy entertained by the House of Commons that the other branch of the legislature should not be permitted to interfere with that which they have always considered as their exclusive right; viz., 'the *grant of aids and taxes* to the Crown for the public service.' In whatever mode the Lords have at any time attempted to invade this right, the Commons have uniformly and vigorously opposed the attempt, and have asserted and maintained this claim through such a long and various course of precedents, particularly from the time of the Restoration to the beginning of this century, that the Lords have now for many years desisted either from beginning any bill, or from making amendments to bills passed by the Commons, which, either in the form of *positive taxes or pecuniary penalties, or in any other shape*,

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might by construction be considered as imposing burthens upon the people" (p. 105).

But elsewhere (p. 45) Mr. Hatsell remarks, "the leading principle which appears to pervade all the proceedings between the two Houses of Parliament is, that there shall subsist a perfect equality with respect to each other, and that they shall be in every respect totally independent one of the other."

Hatsell was an officer of the House of Commons, and undoubtedly set forth its supposed prerogative as it has been asserted by the House; but it will be seen hereafter that the House of Lords has never, formally at least, conceded it.

"Each House has a right to originate and to pass such bills as to them seem proper; save that the Lords have, as appears from several of the instances, claimed the exclusive right that bills for restitution of honors, or in blood, should commence with them. And the House of Commons have, on their part, asserted, and I believe invariably preserved, the exclusive exercise of the right, "that bills of supply, imposing burthens upon the people, should be the grant of the Commons; and that the Lords should have no other voice than, as one branch of the legislature, by their assent to give the authority of a law to the levying of those aids and taxes which the Commons shall think wise and fitting to impose. Other bills of what kind soever, whether relating to the Parliament itself, or to either House, may have their commencement indifferently in either House."

One bill begins with the Crown, though it has one reading in each house, — "A Bill for a General Pardon" (pp. 46, 47).

The Speaker quotes (pp. 392, 393) Hatsell's propositions to show "pretty nearly every thing which has at any time been claimed by the Commons upon this subject" (Hatsell, p. 110): "First, that in bills of aid and supply, as the Lords cannot begin them, so they cannot make any alterations either as to the quantum of the rate or the disposition of it, or indeed any amendment whatever, except in corecting verbal and literal mistakes; and even these the House of Commons direct to be entered specially in their journals, that the nature of the amendments may appear, and that no argument prejudicial to their privileges may be hereafter drawn from their having agreed to such amendments.

"Secondly, that in bills which are not for the special

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grant of supply, but which, however, impose burthens on the people, such as bills for turnpike-roads, for navigations, for paving, for managing the poor, &c., for which tolls and rates must be collected, — in these, though the Lords may make amendments, these amendments must not make any alteration in the quantum of the toll or rate, in the disposition or duration of it, or in the persons, commissioners, or collectors appointed to manage it. In all the other parts and clauses of these bills not relative to any of these matters, the Commons have not objected to the Lords making alterations or amendments."

It will be noticed, upon comparison, that the Speaker inadvertently omitted to copy the words above, "for navigations, for paving, for managing the poor." But it is intended here to exhibit the claim of the House of Commons in its entirety. The Speaker has also omitted to quote Hatsell's last two propositions, which are as follows: —

Hatsell, p. 111: "Thirdly, where the bill, or the amendments made by the Lords, appear to be of a nature, which, though not immediately, yet in their consequences, will bring a charge upon the people, the Commons have denied the right of the Lords to make such amendments, and the Lords have acquiesced.

"And, lastly, the Commons assert that the Lords have no right to insert in a bill pecuniary penalties or forfeitures, or to alter the pecuniary penalties or forfeitures, which have been inserted by the Commons.

"These rules, with respect to the passing or amending of bills, are clear, distinct, and easy to be understood and applied in all the cases which may occur. 'Their' — i.e., the House of Commons' — 'sole and exclusive right of beginning all aids and charges upon the people, and not suffering any alterations to be made by the Lords, is sufficiently guarded by the claims as here expressed.'"

Mr. Hatsell, however, frankly admits (p. 108) that the Commons did not always insist, with the same precision and exactness as they have done of late years, upon their privilege, "that the Lords should make no amendments to bills of supply."

There are a number of instances, particularly before the Revolution, where the Lords made amendments to bills of this nature, to which amendments the Commons did agree. At this period they appear to have been satisfied with maintaining the principle, "that all bills of aid and supply, or charge upon the people, should begin with them, and that the Lords should not commence any proceeding that

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might impose burthens upon the people." But they soon found, that, under pretence of making amendments to bills originating in the Commons, the Lords had inserted matter which had the appearance of trenching upon the privileges of the Commons; so that, after several discussions and conferences, the Commons found themselves obliged to lay down the rule more largely, and to resolve, "that, in all aids given to the king by the Commons, the rate or tax ought not to be altered by the Lords." And within a very few years after, in 1678, the doctrine is carried still farther, and the Commons refuse to agree with the Lords in some amendments which they had made, and which related to the distribution of forfeitures; and on the 3d of July, 1678, they came to the resolution, "That all aids and supplies, and aids to his Majesty in Parliament, are the sole gift of the Commons, and all bills for the granting of any such aids and supplies ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit, and appoint, in such bills, the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords."

"In the year 1587, where the Lords, having passed a bill for the sale of the estate of one Thomas Handford 'for a debt due the Crown,' the Commons rejected this bill, and passed another to the same effect.

"The *first instance* that has occurred, where the Commons expressly took exceptions to the Lords inserting pecuniary penalties in a bill, is in the *year 1690*. The ground and principle upon which this objection was made, and has been since maintained, is, to prevent the Lords from evading, under pretence of imposing a pecuniary fine or penalty, that rule so distinctly laid down by the Commons, in several conferences which have been held upon these subjects, 'That all charges or burthens whatsoever upon the people ought to begin with the Commons, and cannot be altered or changed by the Lords'" (Hatsell, p. 109).

Such is Mr. Hatsell's historical account of the origin and growth of the immense claim of the House of Commons; and his statement of fact, upon p. 110, seems pretty nearly accurate: —

"From the beginning of the present century [1700], a period of above fourscore years, the claims of the House of Commons to their rights and privileges, in matters of supply, have been seldom, or but faintly, controverted by

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the Lords." Still, they have never distinctly conceded them.

See in Hatsell, at p. 215 *et seq.*, Appendix (D), the extracts from the journals, showing the proceedings in conference between the two Houses upon the amendments sent from the Lords to the bill for an imposition on foreign commodities. April 13, 1671, the Commons "Resolved, *nem. con.*, that, in all aids given to the king by the Commons, the rate or tax ought not to be altered by the Lords." On the other hand, the Lords resolve that the power herein exercised by them "is the fundamental, inherent, and undoubted right of the House of Peers, from which they cannot depart."

Among the "reasons" of the Lords we find the following (p. 219): —

"3*dly*, We find no footsteps in record or history for this new claim of the House of Commons. We would see that charter or contract produced by which the Lords divested themselves of this right, and appropriated it to the Commons, with an exclusion of themselves: till then we cannot consent to shake or remove foundations, in the laying whereof it will not be denied that the lords and grandees of the kingdom had the greatest hand."

They cite precedents of Edward III., Richard II., and James I., to show "that the Lords and Commons have consulted together, and conferred one with another, upon the subject of supply to the king."

"2*dly*, That, in aids and subsidies, the Lords have anciently been expressly joined with the Commons in the gift; as in the first that we can meet with in our statutes, — that in the body of Magna Charta, cap. xxxvii."

"Till the beginning of King Charles the First, by the words, 'We your Majesty's loyal subjects in Parliament assembled,' the Lords 'implicitly,' or by the words, 'We the Lords spiritual and temporal, and Commons in Parliament, assembled,' the Lords 'expressly,' are joined in the grant, as by perusal of the statutes will appear" (p. 223).

They cite precedents of the Lords' concurrence with the Commons "in subsidies of this nature; viz., customs," as in 3 Edward I. "the grant is, 'Magnates, Prælati, et tota Communitas, concesserunt.'" In impositions of "tonnage and poundage" the Lords were, even at the first beginning, joined with the Commons in the grant; as in 47 Edward III., "where it is expressly 'the Lords and Commons do grant.'" "And this style did continue in acts of this nature till the end of Richard II.; after which, in

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those troublesome times, the style was various till King Henry VIII.'s time: and the style of acts of tonnage and poundage was, 'We the Commons, by advice and consent of the Lords spiritual and temporal, do give and grant.' This form of gift in tonnage and poundage lasted Edward VI., 2 Mary, Elizabeth, and King James' time, as the statutes themselves do declare" (p. 224).

"*5thly*, And, to prove most undeniably that the Lords have their share in the gift of aids and supplies to the king, see the act 9 Henry IV., commonly called the Indemnity of the Lords and Commons; which provides expressly that the Lords shall commune apart by themselves, and the Commons by themselves; and at the latter end enacts, that the king shall thank both the Lords and Commons for subsidies given to him" (*Ib*).

In the conference (1691) upon the bill for an additional act for appointing commissioners to state the public accounts (Appendix K, p. 292 *et seq.*), the Lords say "that they are unwilling to enter into a dispute with the Commons what is the proper work of either House in relation to the granting supplies to the Crown, or taking or examining the accounts thereof; because they would avoid any controversies of that kind with the House of Commons, especially at this time, having by experience found that such debates have frequently been attended with ill consequences to the public."

"*Lastly*, The House of Lords cannot allow the disposition, as well as granting of money by Act of Parliament, to have been solely in the House of Commons, and much less," &c.

These positions were not misunderstood by the Commons; for, at the next conference on the same subject (p. 305), their managers say, "For although the Lords, in the preamble of the third reason, seem to waive the dispute, yet having in their last reason disallowed the right of the Commons in granting, limiting, and disposing public aids, the Commons think it of the highest concern that this affair, being the main hinge of the controversy, should be cleared and settled."

But it was not then "cleared and settled:" for the managers on the part of the Lords respond (p. 208), "That their Lordships declined all arguments concerning the rights of the Commons in granting, limiting, and disposing public aids, and therefore forebore to answer any arguments of that kind; for that the business now depending relates only to the taking accounts," &c.

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And the conclusion of the whole matter at that time was, "that this House doth adhere to their disagreeing with the Lords to the amendments made by the Lords to the bill intituled," &c. (p. 313).

In the year 1700, April 8 (Appendix L, p. 314), the House received a message from the Lords as follows:—

"*Mr. Speaker*, — The Lords have agreed to a bill intituled 'An Act for granting an Aid to his Majesty, by Sale of the forfeited and other Estates and Interests in Ireland, and by a Land Tax in England, for the several purposes therein mentioned,' with some amendments; to which they desire the concurrence of this House."

Upon which a conference was had, opened by the Lord President, who, among other things, said, "Because, though there be nothing in the said amendments relating to aids and supplies granted to his Majesty in Parliament, yet the Commons have thought fit to take occasion to assert a claim to their sole and entire right, not only of the granting all aids in Parliament, but that such aids are to be raised by such methods, and with such provisions, as the Commons only think proper. If the said assertions were exactly true, which their Lordships cannot allow, yet it could not with good reason follow," &c. (p. 319).

In the conference upon the bill entitled "An Act for the taking, examining, and stating the Public Accounts of the Kingdom" (Appendix N, p. 349), the Lords had made two amendments; to which the Commons demurred, because, among other reasons, "3dly, the disposition, as well as granting money by Act of Parliament, hath ever been in the House of Commons; and these amendments, relating to the disposition of money to the commissioners, added by your Lordships, do intrench upon that right."

The conclusion was, "that the Lords do insist upon their first amendment to the bill;" "but that their Lordships do not insist upon clause 'A,' for which they gave their reasons."

July 24, 1661, the Lords sent down a bill for paving the streets and highways of Westminster. The Commons laid aside the bill, "observing that the said bill was to alter the course of the law in part, and to lay a charge upon the people, and conceiving that it is a privilege inherent to this House that bills of that nature ought to be first considered here" (p. 83).

But, when the bill for the same object was sent up to the Lords, they agreed to it with a proviso, to which the Commons disagreed, "because it is contrary to their

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privilege; because the people cannot have any charge of tax imposed upon them, but originally by the House of Commons" (p. 84).

July 30, the Lords resolve "That the Commons rejecting the bill sent from them upon these grounds, the Lords do adjudge the assertion of the Commons to be against the inherent privileges of the House of Peers;" and they cite two precedents, — a bill for the relief of the poor in the 5th Queen Elizabeth, and a bill concerning the repair of Dover Haven in the 31st Elizabeth, — both which bills, they say, had their beginning in the House of Lords. But, considering the expediency of a bill of this sort, they agree to it with another proviso, "That nothing herein contained shall extend to the prejudice of the privileges of either House of Parliament, and that this Act shall not be drawn into example."

Upon the Lords' amendments to the bill for highways, the Commons disagreed, "because the provisos are to lay a charge upon the people which ought not to begin with the Lords, but in this House," being the reason given at a conference 19th May, 1662. The Lords gave up the provisos after much debate, but ordered the Commons to be acquainted "that the Lords affirm it to be their undoubted privilege to begin either bills, or any matters or things of the nature of these provisos, in the House of Peers; and shall make use of it as often as they shall have occasion" (Hatsell, p. 86).

May 17, 1662, the Commons agreed to amendments made by the Lords to several bills, which had the appearance of trenching upon the privileges of the Commons, "out of their care of the public safety, and the necessity cast upon them by the shortness of the session" (p. 85).

May 9, 1664, the Commons agreed to the Lords' amendments to "the bill for collecting the duty arising by hearth-money" (p. 86).

In 1665 the Commons agreed to an amendment of the Lords to the *Poll Bill* (p. 87).

Also to the Lords' amendments concerning the disposal and quantum of the penalties in the bill against seditious conventicles, April 2, 1670 (*Ib.*).

Also, April 8, 1670, to a proviso added by the Lords to a bill for imposition on brandy.

So, in 1670, the Commons agreed to amendments of the Lords to a bill of subsidy, and "a bill for an additional excise upon beer and ale" (*Ib.*).

In the Lords' journal of March 30, 1670, the action of

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the Commons in laying aside the bill about foreign brandy, "being for laying an imposition upon the people, in breach of the privilege of this House [i.e., the Commons], where all impositions on the people ought to begin," is styled "an unparliamentary proceeding" (p. 88).

June 19, 1685, the Commons agreed, without objection, to a bill from the Lords "for consolidating the estate which the king had in the post-office, with £24,000 per annum out of the hereditary excise" (p. 91).

July 24, 1689, the Commons agreed to the Lords' amendments to the bill for collecting duties on tea and coffee (p. 92).

There is another instance in 1689, and a similar in 1690 (*Ib*); another in 1693. May 4, 1699, the Lords enter upon their journal a declaration that "they can by no means agree to the claim of the Commons, for many reasons which they conceive not necessary to be given upon this occasion" (p. 95, *note*).

Jan. 9, 1702, at a conference upon the Lords' amendments, striking out several pecuniary penalties, the Lords declare "that they have an undoubted right to begin bills with pecuniary penalties, and to alter and distribute pecuniary penalties in bills sent up to them from the House of Commons (which right their ancestors have always enjoyed, and from which their Lordships can never depart)" (p. 96).

May 31, 1732, the Lords insisting upon their amendment to a bill relating to bankrupts, providing for an office-keeper, with such fee and reward as the Lord Chancellor should think reasonable, the Commons do not insist on their disagreement (p. 100).

Similar precedents are to be found in the journals of 1736 (p. 101).

March 23, 1696, the Lords declared "that they must ever maintain they have an equal right with the Commons to impose penalties upon the subject, having so many undeniable precedents where their Lordships have exercised it, and the Commons have acquiesced in it" (p. 94).

In the famous conferences, 8th and 10th February, 1691, upon the Lords' amendments to the bill for an additional act for appointing commissioners to state the public accounts, the Commons' managers give a reason for maintaining their exclusive claim which would hardly commend it to Massachusetts republicans: "The Lords have many high privileges to recommend their Lordships to the favor of their prince, and to support their figure in the govern-

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ment; but the Commons have little beside this one of giving money and granting aid. This is their undoubted and inherent right; and therefore every thing that intrenches on that the Commons may be allowed to be extremely jealous of" (Hatsell, Appendix K, p. 305).

The controversy between the House of Commons and the House of Lords is not even yet settled, so far as acquiescence by the Peers may be considered necessary to a settlement.

Lord Palmerston, in 1860, in consequence of the course of the Lords in refusing to concur in the remission of the paper duties, which was sent up from the Commons in a separate bill, introduced (July 9) sundry resolutions in the House of Commons, of which the following was the first: —

"1. That the right of granting aids and supplies to the Crown is in the Commons alone, as an essential part of their Constitutions, and the limitation of all such grants as to the matter, manner, measure, and time, is only in them."

"This," says Mr. Todd (p. 459), "seems to have been copied from an ancient precedent on the Commons Journal for 1692, the language whereof, though correct in the main, has been noticed by Hallam in his constitutional history as that which cannot be precisely vindicated or approved; for it appears (however unintentionally) to deny the right of the Lords to a free concurrence in matters of supply, which is contrary to the express admissions of the second resolution. It is well known that the Lords have never formally acknowledged any further privilege in the Commons than that of originating bills of supply; and, although in practice they have for a long period acquiesced in the claim of the Commons that they should not alter or amend any money bill, yet their right to reject such measures as a whole is as undoubted as their right to express agreement in them."

In 1861 the Chancellor of the Exchequer embodied his whole budget propositions, including resolutions for the repeal of the paper duty, in one bill. Great exception was taken to this course by a powerful minority in the House of Commons.

"It was urged that the Lords have never formally abandoned their *right to amend money bills*, although leading members of that House may have done so when speaking in its behalf" (Todd, p. 462).

"In the House of Lords, Lord Derby, while asserting

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that the bill was open to objection in matters of form, did not attempt to dispute the strict right of the Commons to include all the financial arrangements of the year in one measure, alleging that the Lords could, if they deemed it expedient, vindicate their privileges by dividing the bill into two or more parts. He also clearly showed that the Lords had never abandoned their right to amend a money bill; and that, in the opinion of eminent constitutional authorities, they would be warranted in such an act, should it be necessary to vindicate their freedom of deliberation, and to prevent the enactment of a measure which they deemed objectionable. He added that there were "repeated cases of financial measures being amended by the House of Lords, and the amendments being accepted by the House of Commons." Mr. Todd adds in parenthesis, "(after, of course, the formal assertion of their privileges, by laying aside the bill, and re-introducing it as amended)" (Todd p. 463).

The *money bills*, spoken of in the passages just quoted, were *tax bills*. "Following the precedent so successfully established, the Chancellor of the Exchequer determined to introduce the budget propositions of 1862 in one general bill".

"This was probably the largest money bill ever passed, as it dealt with between twenty-two and twenty-three million pounds of *public taxation*."

"In the House of Lords, Lord Derby, referring to the combination of the whole budget resolutions in one bill, said, 'So far as the Lords are concerned, the one course interposes to us no greater obstacle than the other; because, as it is perfectly within our province, and our right to reject a particular proposition in a single bill, so it is equally within our competence to reject that proposition when incorporated with others,' and leave to the Commons the consequences of their own proceeding" (Todd, p. 464).

But, if Lord Derby was correct in his claim for the House of Lords in 1862, that it had the indisputable right to amend financial measures, — *tax bills*, — to reject a particular proposition in a single bill, and equally to reject it when incorporated with others, then Mr. Hatsell's proposition in 1786, that the Lords cannot make "*any amendment whatsoever, except in correcting verbal and literal mistakes*," cited by Mr. Speaker Jewell as the settled constitutional law of England, was any thing but the settled constitutional law of England, was only an assumption of the House of Commons. And it further follows that the

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provision in our Constitution in reference to money bills, and the right of the Senate to propose or concur with amendments, has really given to the Senate, elected by popular suffrage, no more power on this subject than is claimed by the House of Lords in Great Britain, after centuries of audacious and contemptuous treatment by the House of Commons.

The truth is, that the claim of the House of Commons, pretty much acquiesced in by the House of Lords for more than a century (or at least disputatious controversy waived about it, as we have seen in the precedents), was not the ancient Constitution of Great Britain, nor is it hardly the modern Constitution of Great Britain. Even the construction of written constitutions changes with the exigencies of perilous times.

Mr. Speaker Jewell refers to the treatise on Parliamentary Government in England, by Alpheus Todd, as "the latest and probably best work now extant" (House Journal, 1868, p. 394.)

The Chair agrees with the Speaker, and has therefore cited and will continue to cite it.

Mr. Todd says (vol. ii. p. 171), "From the grant of Magna Charta by King John may be dated the rise of our representative system, the recognition of the House of Commons as a separate estate of the realm."

Great and fortunate event, and happy omen for English and American liberty!

But the other estates existed before Magna Charta.

"From the Conquest to the reign of King John, prelates, earls, and barons generally formed, under the king, the legislative power of the realm, for all purposes except the imposition of taxes" (Todd, vol. ii. p. 17).

"William the Conqueror, in ascending the throne of England, had expressly renounced all right to tax the nation without the consent of the commune concilium regni" (*Ib.* p. 16).

It is true, he and his successors had not been faithful to his word.

"Thus the lawless barons won for a down-trodden and spiritless people precious franchises, that in due time should elevate the national character, and so balance the forces existing in the State as to give to each its opportunity of legitimate development" (*Ib.* p. 16).

Says Magna Charta, "No scutage or aid shall be imposed in our kingdom, unless by the general council of our kingdom," — of which, theretofore, the Commons had not constituted a constituent part.

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The statute, De Tallagion on Concedendo, 25 Edward I., recites, "that no tallage or aid shall be taken or levied without the good-will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other freemen of the land."

It was guaranteed by the Bill of Rights, that henceforth "no man be compelled to make any gift, loan, or benevolence, or tax, without common consent by act of Parliament."

And it was finally established, by the act of settlement, "that levying money for or to the use of the Crown, by pretence or prerogative, without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal."

But there is to be found in these fundamental statutes nothing to bar the Lords spiritual and temporal of their ancient right to grant aids, levy taxes, and join in the grant of moneys, as separate estates of the realm. All the exclusive claim of the House of Commons grew gradually, assertion upon assertion, precedent accumulating upon precedent, favored by the great increase in power and wealth of the Commons. The House of Lords sympathized largely with Charles the First, and was more amenable to the blandishments of Charles the Second, and timorous in opposing the bigoted tyranny of James the Second. It was during the period covered by the reigns of those kings, the Commonwealth, the Protectorate, the reign of William and Mary, that the solid talents of Pym, Hampden, and the rest, put forward and maintained that claim for the House of Commons which it was then so much for the advantage of the people it should assert. And so much did the power and authority of the House increase, and so hugely did it enjoy this newly-acquired power, that it had no thought of relinquishing it when the exigency had passed, but maintained it with still greater rigor and insolence. We have seen similar assumptions in our own country in the present generation, one department of the government encroaching upon the constitutional power of the other for its own aggrandizement. Thus came to pass that almost brutal manner of asserting the supposed privilege which the Speaker appears to think rather gratifying than otherwise (Journal, 1868, p. 396), when, the Lords having amended a money clause in the corn bill, "the bill was rejected, and the Speaker, according to his promise, threw it over the table, several members on both sides of the question kicking it as they went out" (1772). Thus

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bullied, the Lords seem to have retired into silence, though not acknowledgment of pretensions thus enforced.

We quote again from Mr. Todd, "That the declaratory statute of the 15th of Edward II. gave the sanction of Parliament to the constitution of the legislature as it then stood, under which the legislative power was declared to be in the king by the assent of the prelates, earls, and barons, and commonalty of the realm, according as it had been heretofore accustomed (vol. ii. p. 19).

"In the reigns of Edward I., II., and III., it had been customary for the lords, the clergy, and the commons, severally and separately, to determine the proportion of their respective grants, on the principle that they each represented distinct and independent portions of the community" (*Ib.* p. 21). In the time of Edward I., 1272–1307, "the functions of the Commons were confined to a declaration of the extent of the grants which they were empowered by their constituents to offer to the Crown. But in the time of Edward II. the right of the Commons to a share in the making of laws was formally acknowledged."

"It was during the Long Parliament (*temp.* Charles II., 1661–1679) that the practice of appropriating the supplies granted to the Crown to distinct and specific services was first introduced" (Todd, vol. i. p. 38.)

"Thus the House of Commons succeeded in obtaining, not merely a general control over the public revenues, but an authoritative voice in respect to the details of public expenditure" (*Ib.* p. 39).

"Thus the Crown demands money, the Commons grant it, and the Lords assent to the grant" (May, cited *Ib.* p. 427).

"The principal change effected by the development of the English Constitution since the Revolution of 1688 has been the virtual transference of the centre and force of the State from the Crown to the House of Commons" (Todd, vol. i. p. 7).

"Curtailed in their original rights as independent branches of the legislature, it has become impossible for the Crown and the nobles to retain their legitimate share in the government of the country, unless they are both fairly represented in that assembly, wherein the supreme political power of the State is now concentrated" (*Ib.* p. 8).

This is natural and explicable to the student of English parliamentary history; but can any man of common sense believe that Sam and John Adams went to work, after the Declaration of Independence, to evolve from their con-

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sciousness two representative bodies, chosen by the same constituency, in one of which "the supreme political power of the State should be concentrated"?

And the advocates and admirers of the claim of the Commons glory in the fact that, by it, the House of Lords is practically reduced to a nonenity. Thus Ferrall, in his "Law of Parliament" (London, 1837), says, "That being so, does it not clearly indicate that for many most important purposes the Lords are but legislators by courtesy, and that their constitutional province is strictly confined to being counsellors and advisers of the Crown?" (p. 103.)

"As respects all money bills, the Lords act only as counsellors to the king" (*Ib.* 104).

"Is it not clear, then, that the duty of the Lords, in considering such bills, is merely to prevent solecisms or other grammatical inaccuracies creeping into them?" (*Ib.*)

The effect of the prevalence of the claim of the House of Commons has, indeed, reduced the House of Lords to exactly the position Ferrall indicates, and to that insignificance; but the framers of our Constitution created a "Council for advising the Governor" in the same instrument by which they declared that "the department of legislation shall be formed of two branches, a Senate and House of Representatives, each of which shall have a negative on the other" (Chap. 1, Sect. 1, Art. 1).

"And of this power," continues Ferrall (p. 100), "the House of Commons are the judge, whose decision on any matter touching its own privileges is entirely conclusive."

Exactly; and so the exclusive privilege of construction is doubtless to be gleaned from the money bill clause in our Constitution for the House of Representatives.

"This," says Ferrall, "is a wise provision of government; for it must be admitted that the natural liberty of men cannot be placed in better hands than in those of their selected representatives."

He says again, "The Constitution has provided no permanent check for the acts of the Commons" (*Ib.* p. 109).

"The House of Commons, if constitutionally chosen, will never act adversely to the national interest; and, if it fail in its duty, undoubtedly the other branches of the government are more likely to be abettors of the dereliction than the guardians of popular rights. Will it be argued honestly that the Lords are more likely to know the wants of the people, or to devise a remedy for their grievances, than a popular House of Commons? Will they be more chary of the public money than the members of that House?

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Montesquieu thinks not; but is of opinion that the hereditary chamber, in all human probability, would be apt to appropriate the national treasure to purposes not strictly necessary to the being of the State" (p. 108).

In the commencement of his fourth chapter, on "Supply," Mr. Ferrall justly observes (p. 98), "We now come to the consideration of the great constitutional engine, the possession of which arms the Commons' House of Parliament with so much power, that both the prerogatives and privileges of the other estates are placed really under their control." . . .

"Supply the right arm of the Commons: it is the bulwark of English liberty."

"The *sole* power of granting or withholding subsidies is the great characteristic feature of this branch of the legislature. This it is that gives it virtually the command of the other estates, and renders them, although superior in dignity, vastly inferior in authority."

"The share of power," says Hume, "*allotted by the British Constitution to the House of Commons*, is so great, that it absolutely commands all the other parts of the government" (*Ib.* p. 99).

"The Commons have so uniformly and so vigorously resisted every attempt of the Lords to interfere with this right, that the latter have long since desisted from either originating money bills, or from making amendments to such bills passed by the Commons. The period in which the greater number of precedents occur begins with the Restoration, and continues down to the beginning of the last century; and, whenever the question has arisen, the prompt and zealous denial of the Commons has crushed the encroachment so effectually, that lately the Lords have abandoned all further attempts as hopeless. This privilege is now the sole and undisputed right of the Commons. The vast inferiority in power of the Lords must thence be inferred; and, as it is the Constitution that clothes the Commons with this right, there is no authority for the assertion of our theorists, that the three branches of the legislature are co-equal" (*Ib.* p. 107).

Certainly this follows from the vast power the House of Commons derives from the uncontrolled authority of levying all taxes, of whatever nature, and of equally directing national expenditure in all its forms, with the vast incidental range of original legislation, covering almost all penal statutes, and all laws imposing burdens or charges upon the treasury or the people, or any class of the people,

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direct or indirect, which it claims and maintains. This power was the gradual growth of centuries, the fruit of small but constant encroachments upon the Lords by the popular branch. It is the result of precedents, painfully accumulated during many generations, till it has come to be regarded as what is called the British "Constitution." It was, at the time of its most rapid growth, an inestimable bulwark for the English subject, to protect him from the encroachments of the Crown and the Peers. It was at its very highest, as Mr. Jewell claims, when our Constitution was framed. But can it be believed that the makers of our Constitution meant to impose all that tremendous power in one of the branches of our popular government, when, except in one little clause, both branches are, throughout the great instrument, treated as co-equal, coordinate, equally elected by the people, and equally vested with its confidence?

And yet such is the distinct claim of the House of Representatives. It is submitted that the argument of improbability is, under the different circumstances, sufficient, in the absence of absolutely controlling evidence.

The argument of resulting inconvenience is also of great weight. The course of legislation in Great Britain, arising from the extravagant claims of the Commons, has seriously hampered the business of Parliament. So vast a preponderance of bills must originate in the House, that, of late years, many devices have been resorted to, to correct so serious an evil. The House has been obliged formally to relax the rigidity of its rules, in order to receive the advantage of the experience, labor, and greater practical sagacity than in former times, of the House of Lords. Bills are constantly sent from the upper House complete, except that, by complicated and laborious fictions, those provisions considered to be obnoxious to the privilege of the Commons are supposed to be inserted in committee in the latter branch. In the present century, the tendency in England is, not to regard the supremacy of the Commons as a wholly unmixed blessing.

The practice of the Commons, of "tacking" an obnoxious measure to a bill of supply, has more than once required royal intervention. Even Mr. Hatsell is obliged to admit (p. 114), "It has been sometimes attempted to extend this claim, on the part of the Commons, still further; or rather, so to construe this claim, as to tend very much to embarrass the proceedings of the House of Lords upon bills sent from the Commons. This has never appeared to me a prudent measure."

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Mr. Speaker Jewell (p. 390) cites Sir Thomas Erskine May, who was clerk of the House of Commons, quite truly as "the standard writer upon English parliamentary law." Of course May sets out the claim of the great body, with which he was so long connected, in its broadest form. He remarks (Parliamentary Practice, p. 56), "The most important power vested in any branch of the legislature is the right of imposing taxes upon the people, and of voting money for the exigencies of the public service: it may also be said to give to the Commons the chief authority of the State.

"The exclusive right of the House of Commons to grant supplies, and to impose and appropriate all charges upon the people, renders it necessary to introduce by far the greater number of bills into that House" (*Ib.* p. 466).

"In regard to private bills, however, the Commons agreed, in 1858, to an important relaxation of their privileges, and will accept," &c. (*Ib.* p. 579).

"A too strict enforcement of this rule in regard to penalties was found to be attended with unnecessary inconvenience, and in 1831 the Commons judiciously relaxed it; and again, in 1849, they introduced a further amendment of their rules by the adoption of standing orders, "that the House would not insist on its ancient and undoubted privileges in the following cases" (p. 581).

And see p. 579 for an account of the ingenious manner by which, through a judicious use of red ink, the House of Commons is enabled to consider provisions made by the Lords, and thus "the Commons has a full bill, no privilege is violated, and the provisions printed in red ink are inserted if approved of."

"In the fulfilment of their legislative functions the Lords have long ceased to take the initiative in the introduction of great public measures. Bills which concern the improvement of the law, and certain private bills of a semi-judicial character, appropriately commence with the Lords; and recently it has been arranged that a fair proportion of ordinary private bills shall be first introduced in the upper House, with a view to facilitate the despatch of business. But, as a general rule, the Commons are not disposed to receive very favorably bills which do not originate with themselves. The province of the House of Lords appears, more properly, to be that of controlling, revising, and amending the projects of legislation which emanate from the House of Commons" (Todd, vol. i. p. 28).

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And such, it will be made to appear, will be substantially the function of the Massachusetts Senate, when the claims of the House of Representatives, advanced during the last decade, are pushed to their legitimate conclusions.

But Mr. Todd is not of the number of English parliamentary writers who regard the Commons' claim as a fixed and unalterable part of the British "Constitution," although triumphantly maintained, in substance, for two hundred years. On the contrary, he judiciously regards that constitution not as a fixed, but as a flexible, thing, founded upon the ancient customs of the realm. If the precedents of so many years seem to have firmly established an almost illimitable power in the Commons, it is certainly a supposable case (however improbable) that precedents of as many years may restore to the House of Lords its ancient portion, nay, predominance, of legislative power.

On p. 7, vol. i., Mr. Todd observes, "And here it may be remarked parenthetically, that, because the Crown and the House of Lords are precluded by modern constitutional usage from making direct use of the powers which originally appertained to them as distinct and independent branches of the legislature, it must not therefore be assumed that they are but of small account in their separate and individual capacity. Their ancient rights, though dormant, have never been disallowed, but are still held in reserve, in case of any sudden or violent attack upon their new mode of operation." "While no formal alteration has taken place in the original limits of authority between the two co-ordinate and co-equal chambers of the legislature, and it is now generally conceded that the proper function of the House of Lords is not to take a prominent part in the initiation of public bills, but to control, revise, and amend the measures of legislation which have received the sanction of the House of Commons, nevertheless, if need be, it would be perfectly competent for the House of Lords to claim its ancient privileges, and to assume a more active share in the origination of measures which concern the general welfare of the community."

But if the Adamses and their associates have really incorporated into our written Constitution what in 1780 was considered a portion of the unwritten British Constitution, a change, if needful, cannot be accomplished by usage or custom, but only by alteration of the fundamental law, in the mode therein provided.

Mr. Speaker Jewell quotes Mr. Hallam's Constitutional

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History of England (House Journal, 1868, p. 394), to reenforce his position as to the Commons' prerogative in reference to money bills. Mr. Hallam, however, evidently regards this prerogative as of comparatively modern origin. In the passage quoted by Mr. Jewell, — "But the House were *now* so much awakened to the privilege of originating money bills," — the "*now*" is the date of 1593.

Elsewhere (vol. iii. p. 38) Mr. Hallam says, "In our earliest parliamentary records, the Lords and Commons, summoned in a great measure for relieving the king's necessities, appear to have made their several grants of supply, without mutual communication." "The latest instance of such distinct grants from the two houses, so far as I can judge from the rolls, is in the 18th year of Edward III. But in the 22d year of that reign, the Commons alone granted three-fifteenths of their goods, in such a manner as to show, beyond a doubt, that the tax was to be levied solely upon themselves." "After this time the Lords and Commons are jointly recited to have granted them" (*Ib.*).

The Speaker also quotes Mr. Hallam, as follows (House Journal, 1868, p. 394): "In vol. iii. pp. 37, 38, *et seq.*, the same author proceeds to discuss the question of the exclusive right of the Commons to originate money bills. He here says another difference between the two Houses had arisen: 'This concerned the long-agitated question of the right of the Lords to make alterations in *money bills*.'" This is all that the Speaker thinks fit to quote. It is thought advisable here to quote much more extensively from Mr. Hallam, who wrote about 1825, and whose second edition, from which we quote (the same used by the Speaker), was reprinted in Boston, in 1829. We refer to pp. 37–45, vol. iii. "During the interval between these two dissensions which the suits of Skinner and Shirley engendered, another difference had arisen, somewhat less violently conducted, but wherein both Houses considered their essential privileges at stake. This concerned the long-agitated question of the right of the Lords to make alterations in money bills. Though I cannot but think the importance of their exclusive privilege has been rather exaggerated by the House of Commons, it deserves attention; *more especially as the embers of that fire may not be so wholly extinguished as never again to show some traces of its heat.*"

"The Lords and Commons are sometimes said both to grant, but more frequently the latter with the former's

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assent, as continued to be the case through the reigns of Elizabeth and James I. In the first parliament of Charles I., the Commons began to omit the name of the Lords in the *preamble* of bills of supply, reciting the grant as wholly their own, but in the *enacting words* adopted the customary form of statutes. This, though once remonstrated against by the upper House, has continued ever since to be the practice.

"The originating power as to TAXATION was thus indubitably placed in the House of Commons; nor did any controversy arise upon that ground. But they maintained also that the Lords could not make any amendment whatever in bills sent up to them, for imposing, directly or indirectly, a charge upon the people. There seems to be no proof that any difference between the two Houses on this score had arisen before the restoration; and in the Convention parliament the Lords made several alterations in money bills, to which the Commons did not object. But in 1661, the Lords having sent down a bill for paving the streets of Westminster, to which they desired the concurrence of the Commons, the latter, on reading the bill a first time, 'observing that it went to lay a charge on the people, and conceiving that it was a privilege inherent in their House that bills of that nature should be first considered there,' laid it aside, and caused another to be brought in. When this was sent up to the Lords, they inserted a clause to which the Commons disagreed as contrary to their privileges, because the people cannot have any tax or charge imposed upon them, but originally by the House of Commons."

. . . "The present bill was defeated by the unwillingness of either party to recede; but for a few years after, though the point in question was still agitated, instances occur where the Commons suffered amendments in what were now considered *as money bills* to pass, and others where the Lords receded from them rather than defeat the proposed measure. In April, 1671, however, the Lords having reduced the amount of an imposition on sugar, it was resolved by the other House, 'that in all aids given to the king by the Commons, the rate or tax ought not to be altered by the Lords.' This brought on several controversies between the Houses, wherein the limits of the exclusive privilege claimed by the Commons were discussed with considerable ability, and less heat than in the disputes concerning judicature; *but, as I cannot help thinking, with a decided advantage both as to precedent and constitutional analogy on the side of the peers.*" . . . (See p. 44.)

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"Yet even then [1640], in the fervor of that critical period, the boldest advocate of popular privileges who could have been selected was content to assert that the matter of subsidy and supply ought to begin in the House of Commons."

The bill of subsidy was then the bill of supply; i.e., *was a tax bill.* "There seems to be still less pretext for the great extension given by the Commons to their acknowledged privilege of originating *bills of supply.* The principle was well adapted to that earlier period when security against misgovernment could only be obtained by the vigilant and uncompromising firmness of the Commons. They came to the grant of *subsidy* with real or feigned reluctance, as the stipulated price of redress of grievances. They considered the Lords, generally speaking, as too intimately united with the king's council, which indeed sat with them, and had perhaps, as late as Edward III.'s time, a deliberative voice. They knew the influence or intimidating ascendancy of the peers over many of their own members. It may be doubted whether the lower House shook off, absolutely and permanently, all sense of subordination or at least deference to the upper, till about the close of the reign of Elizabeth. But I must confess, that in applying the wise and ancient maxim, that the *Commons alone can empower the king to levy the people's money*, to a private bill for lighting and cleansing a certain town, or cutting dikes in a fen, to local and limited assessments for local benefit (as to which the Crown has no manner of interest, nor has any thing to do with the collection), there was more disposition shown to make encroachments than to guard against those of others. They began, soon after the Revolution, to introduce a still more extraordinary construction of their privilege, not receiving from the House of Lords any bill which imposes a pecuniary penalty on offenders, nor permitting them to alter the application of such as have been imposed there. These restrictions upon the other house of Parliament, however, are now become, in their own estimation, the standing privileges of the Commons. Several instances have occurred during the last century, though not, I believe, very lately, when bills, chiefly of a private nature, have been unanimously rejected, and even thrown over the table by the speaker, because they contained some provision in which the Lords had trespassed upon those alleged rights. They are, as may be supposed, very differently regarded in the neighboring chamber. The Lords have never acknowledged any further privilege than that of originating *bills of supply.*"

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It will be observed that Mr. Hallam, in this most important passage, clearly uses the terms, *bills of supply*, *grants of supply*, *money bills*, *grants of money to the Crown*, *originating power as to taxation*, *levy of the people's money*, in substantially the same sense, i.e., *the power of raising revenue*, taxation; and that he regards all else of the Commons' claim as encroachments.

Originally the tax bill, a bill of subsidy, or a bill of supply, was the same thing. It only granted money of the people to the king. In modern times the bill expressed and defined the object of the grant. Latterly the tax bill and the appropriation bill are different bills.

Speaker Jewell quotes Mr. Todd as saying, "We will now proceed to consider the subject of money bills, which are of three kinds; viz., tax bills, bills of supply, and bills of appropriation." Undoubtedly Mr. Todd does say so, writing of the modern English practice of the House of Commons. His volumes were published in London in 1867 and 1869; and he defines (vol. i. p. 525) what each of these bills now is. "*Tax bills, for raising revenues* to be applied towards the services of the current year, are founded upon resolutions of the committee of ways and means." "Bills of supply, or rather of ways and means, authorizing an advance out of the consolidated funds, or the issue of exchequer bills, towards making good the supplies which have been voted by the House of Commons for the service of the year, emanate from the committee of ways and means.

"When the committee of supply and ways and means have finished their sittings, a bill is ordered which enumerates every grant which has been made during the session, appropriates the several sums as voted by the committee of supply which shall be issued and applied to each separate service, and directs that the said supplies shall not be used for any other than the purposes mentioned in the said act. This is known as the consolidated fund bill, or, more generally, as the appropriation bill."

This practice corresponds very nearly with our present legislative custom. But when Mr. Todd says that money bills are of three kinds, viz., "tax bills, bills of supply, and bills of appropriation," he also says, in effect, that the tax bill is a money bill, that a bill of supply is a money bill, and that the appropriation bill is a money bill, in the sense of the House of Commons.

When there began to be a legislature in the province of Massachusetts, the tax bill was the money bill of Great Britain.

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The speaker (p. 395) dwells particularly upon Palmer's case, as furnishing "an example precisely parallel to the case now under consideration." Palmer's case is given at length by Mr. Todd (vol. i. p. 440).

But, if it shows any thing beyond the undisputed fact that a grant of money may originate in the Commons, it shows that the Commons yielded, after a protracted struggle, to the objections of the Lords to the scope and grounds of the previous grants to Mr. Palmer, as proposed by the Commons.

From an examination of the whole course of English parliamentary history, we believe it may be reasonably claimed: —

First, That the peers, temporal and spiritual, granted subsidies to the king before the House of Commons existed.

Second, That afterwards the House of Lords and the Commons granted their aids and subsidies separately; still later, jointly.

Thirdly, That, as the Commons increased in wealth and power, the vote granting a subsidy, or levying a tax, originated with the Commons in practice.

Fourthly, That the claim of the Commons of the *exclusive* right to originate a tax bill is of modern origin, i.e., in the time of Charles I., and so substantially contemporaneous with the settlement of Massachusetts.

Fifthly, That the vast extension of that claim by the Commons mostly occurred during a period of great popular commotion, when the House of Lords was in disfavor with the English people, and English liberty depended on the firmness of the Commons.

Sixthly, That the Lords have never surrendered any privilege, except that of originating tax bills, and may assume their ancient usages otherwise at any time.

Seventhly, That the assumption of the Commons has led to the greatest practical inconveniences, so that the present tendency in the British Parliament is to diminish it, rather than to extend or even to maintain it.

And, if these propositions are well founded, the effect of the claim of the House of Representatives would be to establish here a practice which is losing favor even with the House of Commons, which, in a former century, imposed it upon a weaker body with indomitable persistence, if not with undignified insolence and arrogance.

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It will be useful to see what classes of bills the claim of the Commons had been applied to previous to 1780, when Mr. Jewell considers the doctrine of the House of Commons to have been corporated in our Constitution. The list embraces bills originating in the Lords, and amendments of the Lords to bills originating in the House. Among them were,

In 1660, amendments to the bill for poll-money.

1661, bill for paving the streets and highways of Westminster.

1661, bill from the Lords about fen-lands.

1662, bill for highways.

1664, bill for regulating and ordering of buildings and for amending highways, and making clean the streets about the cities of London and Westminster.

1670, amendments to a bill of subsidy.

1671, amendments to bill for imposition on foreign commodities.

1677, bill for better payment of church rates and tithes.

1677, amendments to bill for raising a sum of money for building ships.

1679, amendments to supply bill for disbanding the forces.

1689, amendments to bill to collect duties on tea and coffee.

1690, amendment to insert a penalty of ten pounds.

1691, amendments to add commissioners of public accounts.

1691, to mutiny bill, to alter application of penalty.

1692, to appoint Lords Commissioners to rate peers.

1692, amendment to increase fees payable on renewal of leases in the duchy of Cornwall.

1696, amendment to bill to remedy ill state of coin.

1696, to insert penalty in bill relating to wearing of calicoes.

1696, to bill for erecting a workhouse at Colchester.

1696, to bill about Blackwell Hall.

1699, bill for laying a duty on vellum and parchment.

1700, bill for sale for forfeited estates in Ireland.

1702, bill for encouragement of privateers.

1702, leaving pecuniary penalties out of occasional conformity bill.

1703, bills for taking accounts.

1704, turnpike-road bill.

1709, bill for building a lighthouse on the Eddystone.

1719, bill to prevent smuggling.

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1719, bill about the East-India trade.
1722, bill for sale of an estate, in order to discharge a debt due to the Crown.
1727, exemption from toll on a turnpike.
1729, pecuniary penalties.
1732, office-keeper in bankrupt bill, with fees.
1733, vesting in Janssen remainder of estate, now in the Crown.
1736, bill for building Westminster Bridge.
1743, bill about rogues and vagabonds, rates, &c.
1746, bill for securing payment of prize-money to Greenwich Hospital.
1746, bill for founding and building a chapel.
1750, bill for encouragement of herring-fishery.
1759, turnpike-road bill.
1762, bill for vesting certain lands in the Duke of Bedford.
1762, bill for lighting the streets of Hull.
1766, bill for preservation of fish.
1767, bill for repairing roads in the county of Ayer.
1771, turnpike-road bill.
1772, bill to regulate exportation and importation of corn.
1772, bill for preservation of game.
1782, duties and drawbacks on ships going to North America.
1783, St. James paving bill.

These cases are extracted from Hatsell's precedents, pages 78 to 104 inclusive. They are all within his famous "propositions," quoted by Mr. Speaker Jewell, as to bills of aid and supply, bills imposing burdens upon the people, bills imposing charges indirectly as well as directly, pecuniary penalties or forfeitures in a bill, &c., &c.

The legitimate application of these rules to the immense number of cases arising in the more highly civilized and luxurious life of our modern, inventive era, has occasioned very great inconvenience in Parliament, and brought about that relaxation of the rigid formulas of the Commons to which we have heretofore referred. Let us now take the list of bills which have originated in the Senate the present year, and ascertain how many of them would be excluded by a severe application of the doctrine of the House of Representatives, which, the Speaker says, exists in accordance with the propositions of Hatsell.

We will give the title of the bills, appending a brief minute of the peculiarity which causes each to be a "mon-

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ey bill," under Speaker Jewell's adoption of Hatsell's rules: —

Senate Document, No. 19. Resolve in favor of the commissioners on contagious diseases among cattle: appropriates money.

No. 21. Bill concerning street-railway corporations: transfer tickets: indirect charge on people.

24. Extra copies Bank Commissioners' Report: expense to treasury.

27. To provide money for law library, Franklin County: indirect burthen or charge.

31. Extra copies Tax Commissioners' Report.

34. Infectious and contagious diseases among cattle: appoints officers to be paid out of the treasury.

35. Maintenance of Chelsea Bridge: charge.

40. Act to furnish pupils in public schools with stationery.

44. To enable Bristol-county Agricultural Society to obtain its Bounty.

49. Printing evidence: treasury.

51. To enable Commissioners of Franklin County to borrow money.

56. Unsafe buildings in Boston: penalties.

59. Sewer and sidewalk assessments.

60. Lumber measurement: penalties.

63. Resolve in favor of Abby A. Dike.

67. Medicine and surgery: penalties.

68. In favor of Timothy Murphy.

70. Grades and drainage in Newton: charges.

72, 88. Collection and publication of statistics: charge on the treasury.

89. Tide-water compensation fund: charge.

92. To authorize town of Marblehead to raise money.

93. Inspection of lime-casks: penalties.

96. Commissioners of Barnstable County to borrow money.

98. In favor of John P. Sawin.

102. Protection of camp-meetings: forfeitures.

104. Taxation of deposits in savings banks.

105. Land commissioners to convey lands of Commonwealth.

107. To transfer title of the Commonwealth in Antietam Cemetery.

108. Toll-bridge on Connecticut River: charge.

110. To exempt tree-planting from taxation.

112. To supply Brockton with pure water: forfeitures.

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114. How certain taxes shall be paid in Wilbraham.
119. Compensation of special justices.
124. Licensing of dogs: fees for.
125. Inspection and sale of hoops: penalties.
126. Re-imbursing armory-rent to cities and towns.
127. District Court of Southern Berkshire: salaries.
128. District Court of Plymouth: salaries and expenses.
129. Recording locations of railroads: charges.
133. Printing of public documents: expenses.
137. Harbor lines on Charles River: affects compensation fund.
139. To prevent trespass on land: penalty.
140. In favor of Foster King.
142. Unsafe buildings in Lowell: penalty.
144. In favor of Thomas Cahill.
147. Maintenance of Lagoon Bridge: penalty.
148. Drunkenness: penalty.
150. Cost of jurors in terms of Supreme Judicial Court for Nantucket and Dukes.
151. Game bill: penalties.
152. To abate a nuisance in Boston: assessments.
153. Taking of perch: penalties.
154. Vital statistics: expense to treasury.
156. Sewers and drains in Newton.
158. Exemption of dwelling-houses from taxation.
161. Hawkers and peddlers: penalties.
166. Distribution of public documents: property of the Commonwealth.
170. Frauds in sale of sewing-thread: penalty.
172. To divide the town of North Adams: taxes and charges.
177. Oyster-fisheries: penalties.
178. Cultivation of fishes: penalties.
179. Increase of guards at State Prison: pay.
182. To tax incomes.
183. To tax trust-estates.
184. To tax real estate of literary and other institutions.
186. To tax savings-banks' deposits invested in real estate.
189. Railroad corporations; to pay fee to secretary.
191. To confirm location of Troy and Greenfield Railroad: claims for damages, assessments.
192. Fire district in Lee: penalties.
205. Fencing of railroads: charge.

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207. Sewers and drains.
210. To re-organize the State Detective Force.
212. Relative to Southern Vermont Railroad: property of Commonwealth.
213. Innholders and victuallers: penalty.
215. Fees of special and trial justices.
218. Enrolment of the militia: expenses, penalties.
219. Commercial fertilizers: penalties.
230. Damages for injuries on defective highways, &c.: charges, burdens.
232. To prevent trespass on public water-works: penalty.
233. False publications: penalty.
234. Use of the gag: penalty.
241. Compensation of county commissioners.
244. Fees of officers.

We have thus no less than eighty-two "money bills," which, under the claim of the House of Representatives, could not constitutionally originate in the Senate, but which have, nevertheless, originated here. Most of them have been concurred in by the House, and the larger part have become laws. On only one bill has the constitutional point been taken in the House. Several of them were bills reported by the Joint Special Committee on Taxation, to which have been referred all petitions and bills relating to changes in the tax system, the mode and manner of assessment, levy and collection of taxes, exemptions, &c. This is, as has been said, a Joint Committee, but, under the constitutional provision, whatever the term "money bills" may mean, can report but few, if any, bills to the Senate. This is a great yet inevitable misfortune, which there is no excuse for unnecessarily extending to other subjects of legislation. The Chair has been obliged to rule out several bills from this Committee during the present session as obnoxious to the "money-bill" clause, and they have been recommitted and reported to the House of Representatives. Thus the members on the part of the Senate of this most important Committee are degraded to the condition of advisory and consulting associates to the House members of the Committee, — to the position of the House of Lords in England. They can hear arguments, reflect, study, advise their House associates what to report in that body, act as clerks, put bills in form, and yet they can report no part (or scarcely any thing) of the results arrived at to their own body; and yet the chairman of the Joint Committee is the first member named on the part of the Senate! This sub-

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ordinate and unreasonable position would be insupportable to any man of spirit; and, if such were to become the customary condition of things, no man of self-respect would become a member of the Senate. As to tax-bills, it seems to be an unavoidable grievance, even according to the construction of the constitutional provision supported by *this* body. But a thorough extension of it, according to the necessary sequences of the position of the House, would excessively clog the wheels of business, and render the course of legislation well-nigh impracticable; for, besides Joint Special Committees, we have recognized by our joint rules no less than eleven Joint Committees, which originate the larger portion of the business legislation. They are the committees on banks and banking, claims, harbors, mercantile affairs, military affairs, prisons, public charitable institutions, railroads, street-railways, water-supply and drainage, and on expenditures. If the House construction prevail, the Committee on Claims would be in a peculiarly unfortunate position; for if they report to the Senate a Bill or Resolve in favor of any claimant, then the Bill, like the Resolve in favor of Thomas Cahill, is at once open to the constitutional objection, if it properly is applicable. If the report is against the claimant, still the subject-matter is a claim upon the treasury or property of the Commonwealth; and, at all events, the Senate may substitute a grant for the hostile report of the Committee, and then the Bill or Resolve substituted is at once a money bill in the view of the House. It is true that the objection is only taken capriciously, and generally by some member who wants "to kill the bill." But the existence of such a recognized power is a constant danger and menace, and, if a feeling of irritability upon the subject were to spring up between the two branches, might easily become a real peril to harmony and the progress of business.

Is it suggested that the list of bills to which the House dogma would apply, as given above, is an extravagant one, because of the remote relation of many of them to money bills? But if the money bill is not only a bill for taxation and revenue in every form, but also a bill granting or appropriating money; a bill which imposes any burden or charge upon the treasury or the people, direct or indirect; a bill in which there is any rate, or toll, or charge, or burthen however petty; a bill which can be foreseen, now or hereafter, to lead to any public expenditure; a bill containing any penalty or forfeiture, — then every one of the eighty-two bills cited, clearly is a money bill, and can "ori-

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ginate" in the House alone. The precedents cited from Hatsell prior to 1780 lay the foundation for every one of them; and precedents in the House of Commons since 1780 can be found for every one of them again and again. Hatsell cites them with approbation; and his "propositions" cover them; and Mr. Speaker Jewell gladly embraces the whole gospel according to Hatsell, and his successors follow him. This is the House claim.

It is unnecessary to respond to any suggestion that the House has not, does not, and will not, oppose many of such bills and resolves as money bills. The answer is obvious. We challenge proof that any bill was excluded as originating in the Senate, and as being a money bill, because it contained a grant of money, between 1783, when the House receded from its position on the Hinckley Resolve, down to 1868, when Speaker Jewell excluded the Resolve in favor of Newman on that ground. Yet since there have been cases quite frequently.

And it is only necessary on this point to quote the language of Speaker Jewell in his ruling on the Resolve in favor of Gershom B. Weston (Senate Journal 1869, p. 630).

"It is said that since that time, i.e., 1783, the Senate has exercised the power unchallenged, till within a recent period. It seems to the Chair, however, that the assertion of a right of the Senate and the assent of the House, in one Legislature, cannot take away or confer a constitutional privilege. No lapse of time, no length of assent, can diminish or enlarge the constitutional functions of either branch of the government."

"The truth seems to be, that each new Legislature takes the Constitution for its guide, untrammelled by the action of its predecessors. Each new Legislature in each branch must be its own judge of its own prerogatives under the Constitution."

"The Legislature of 1783 could no more control the prerogative of 1869 than could that of 1868."

And so, after eighty-five years of abstention, the House anew asserted its prerogative of excluding bills granting money as "money bills." In a similar way, it may, after a forbearance of one or ten or eighty years more, assert its claim of excluding any bill similar to each of the eighty-two bills we have cited as originating in the present Senate; and the objection shall not be barred by time. Therefore it is that the inquiries on the part of the Senate to the Justices of the Supreme Judicial Court have been in-

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tentionally made broad enough to cover each and every one of the eighty-two bills, and all such as may arise hereafter, which may be obstructed by Mr. Hatsell's propositions, which the House accepts.

Therefore it is idle to suggest that the House *does* not raise this point as to bills of this character, or of the other. That is not the question. "Every new Legislature in each branch," says Mr. Jewell, "must be its own judge of its own prerogatives under the Constitution." A stipulation on the part of every member of the Legislature of 1878 cannot prevent any member of the Legislature of 1879 from raising the point of order. The real question for the House is, "What was the Commons' claim in 1780? Does this case come under that claim?" Such is the doctrine of the Speakers of the House itself.

This, then, is the reason why, at such great length, we have set forth the parliamentary doctrine. The claim of the House of Commons, of our House of Representatives, is, indeed, a monstrous one. But logically the House cannot, and it ought not, to take part, and leave part. It is bound to the whole of its pretensions.

We have now stated the claim of the House of Representatives as declared by its authorized exponents, who profess to derive it from the House of Commons. Next we have at great length, but, as we believe, with entire candor, exhibited the so-called privilege of the Commons as set forth by its own officers and admirers, being also the very authorities resorted to by the Speakers of the House of Representatives. We have shown that it is of modern origin, resting upon precedents alone, and the result of gradual but persistent encroachment upon the House of Lords. It has also appeared, that not only the House of Lords, but able constitutional writers of the present day, question the reasonableness of the prerogative maintained by the Commons, and admit, that, if circumstances favor or require, the Lords may re-assert the co-ordinate powers from which they were steadily and almost violently pushed, and may by precedent re-assert what by precedent they have seemingly been deprived of. We have also discovered that Lords, Commons, and people, all alike, admit that the excessive stretch of the Commons' privilege has converted the Lords into an advisory board, and occasioned such great practical inconvenience in legislation, that the Commons is forced to resort, and does resort, to ridiculous contrivances in order to avail itself of the assistance of the House of Lords.

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We have ascertained the extent to which, in practice, the House claim was carried at the time, when, as our House of Representatives claims, it was incorporated in the State Constitution. An examination of the legislation of the present year has disclosed to us what would be the effect of a rigid application of the Commons' rules to our bills and resolves, however inconsistent such effect would be with the course of legislation for a hundred years and with the rules of the two branches. And to the suggestion that the precedents of the House do not extend thus far, or are not claimed to such extent, we suggest the conclusive answer, that the House, after eighty-five years' silence, revived a claim it formerly abandoned in 1783, and that it has expressly declared that precedents of acquiescence for a period, no matter how protracted, do not hinder it from re-asserting its supposed prerogative under the Constitution. Therefore we insist upon stating, in all its length and breadth, the whole claim which it has asserted and is logically held to, and protest that no disavowal of any portion of it by any of its presiding officers can release such portion, according to its own avowed doctrine. *Nullum tempus occurrit — domo* is its motto. On the other hand, we assert that precedent can give, and has given in this case, a paramount and conclusive construction to the constitutional clause. But as this is the privilege of the Senate, which the House may at any time potentially deny, we have asked the Honorable Justices, not only whether the Senate can originate a bill or resolve appropriating money, but whether it can originate any involving, directly or indirectly, the expenditure of public money, or imposing any burden or charge thereon, or on the people or any class thereof.

It is not forgotten that *some* exclusive privilege is, by Chap. 1, Sect. 111, Art. 7, conferred upon the House of Representatives. The words "money bills" have a meaning. What is it? The answer of the Senate is well understood. We define a "money bill" to be "a bill for raising revenue;" and declare, therefore, that its meaning is precisely the same as that of Art. 1, Sect. 7, in the Constitution of the United States. The words, "but the Senate may propose or concur with amendments, as on other bills," in that section, were distinctly stated to have been adopted from our Constitution. We assert that the first clause was intended to be and was regarded as the same as the "money-bill" clause in our Constitution. As we have before shown, a tax or revenue bill, pure and sim-

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ple, is a money bill, according to the English Commons' doctrine. Anciently a tax bill was also an appropriation bill. Now these classes are separated, both in England and America. The former only was intended to be placed, and was placed, in our Constitution. Taxation of the people was that which our fathers wished to control. It is certainly a little curious, and is worthy of stating, that Worcester appears to be the only lexicographer who has defined the term "money bill." He defines it "a bill for raising money (a parliamentary phrase)."

It is conceded that the original practice in England was "to raise and appropriate money by the same bill." Speaker Jewell states this in his first opinion (House Journal 1869, p. 390). Then the question, whether an appropriation bill was also a money bill, did not arise until the two bills were separated in practice. But the reason why the original bill was regarded as such a bill as must originate in the Commons was, because it took the people's money, — was a *tax bill*, a bill for raising revenue. Every constitutional writer states that the power of granting or refusing their money was the only control the people had over their feudal kings. This was afterwards the only mode of restraint the English Commons had over sovereigns like Henry VIII., King James First or Second, or King Charles First or Second. The sympathy of the Lords with tyrannical or greedy sovereigns, and the great relative increase of wealth and power in the Commons, enabled the latter branch to usurp the power of originating revenue bills, before belonging to both branches; and the popular support of the Commons afforded it facilities for extending the claim unreasonably and absurdly. But it was the privilege as to originating tax or revenue bills only that our fathers took, or meant to take, —the principle underlying the Commons' claim.

President Pitman pointedly says (Senate Journal 1869, p. 843), "The vital question at issue between the two Houses was the right of the Commons, as the immediate representatives of the people, to hold the power of taxation, free from any interference or influence of the Crown." And, although a repetition, we must again cite, in part, the passage from Blackstone which President Pitman quotes: "The true reason, arising from the spirit of our Constitution, seems to be this: The Lords, being a permanent, hereditary body, created at pleasure by the king, and supposed more liable to be influenced by the Crown, and, when once influenced, to continue so, than

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the Commons, who are a temporary elective body, freely nominated by the people, it would, therefore, be extremely dangerous to give the Lords any power of framing new taxes for the subject. . . .

"They" — i.e., the Commons — "will not permit the least alteration or amendment to be made by the Lords to the mode of taxing the people by a money bill: under which appellation are included *all bills by which money is directed to be raised upon the subject for any purpose or in any shape whatsoever*" (Blackstone, vol. i. p. 169).

I must also repeat President Pitman's citations from Story and Curtis, the former of whom says that the clause in the United-States Constitution, that "*all bills for raising revenue* shall originate in the House of Representatives," is "the right to originate *what are technically called money bills;* [which] is, beyond all question, borrowed from the British House of Commons" (Story on Const., vol. i. § 874).

And Mr. Curtis speaks of the same clause "as the exclusive power of originating what are sometimes called *money bills*" (Curtis, Hist. Const., vol. xi. p. 114).

Edmund Burke has stated this vital principle in parliamentary history in his usual vivid way: "It happened that the great contests for freedom in this country were, from the earliest times, chiefly upon the question of taxing. The Colonies drew from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered in twenty other particulars, without their being much pleased or alarmed: here they felt its pulse; and, as they found that beat, they felt themselves sick or sound."

And to the same point, that the tax-bill was the only bill, the originating of which was denied by the Commons to the in every other respect co-equal body, I need only add one illustrious and tenderly-remembered American authority, — Joseph Warren of Bunker Hill. In the anniversary oration delivered by him in the Old South Church March 5, 1772, he says, —

"The British Constitution (of which ours is a copy) is a happy compound of the three forms, under some of which all governments may be ranged; viz., monarchy, aristocracy, and democracy: of these three the British Legislature is composed; and, without the consent of each branch, nothing can carry with it the force of a law. But, when a law is to be passed for raising a tax, that

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law can originate only in the democratic branch, which is the House of Commons in Britain, and the House of Representatives here. The reason is obvious: they and their constituents are to pay much the largest part of it. But as the aristocratic branch, which in Britain is the House of Lords, and in this Province the Council, are also to pay some part, *their* consent is necessary; and as the monarchic branch, which in Britain is the king, and with us either the king in person, or the governor whom he shall be pleased to appoint to act in his stead, is supposed to have a just sense of his own interest, which is that of all his subjects in general, *his* consent is also necessary; and, when the consent of these three branches is obtained, the taxation is most certainly legal" (History of the Old South Church, Boston, 1876).

In this passage Dr. Warren speaks of the Council as the aristocratic branch in the Province of Massachusetts. Originally, in both the Colonies of Massachusetts and Plymouth, the magistrates and deputies sat together; and when, in 1643, they were, upon a ridiculous occasion, separated, and constituted two legislative bodies, equal liberty of drawing up "bills and orders" was reserved to each branch (Palfrey, vol. i. p. 622).

There could have been, therefore, no occasion for dispute about privilege until the charter of William and Mary went into operation in 1692. By the provisions of that charter, the House of Representatives was chosen by the qualified voters as before. The Council was composed of twenty-eight members, chosen on a specified day by the House, and subject to the approval of the royal governor, who exercised his right of disapproval very frequently in the years immediately preceding the Revolution. In some respects, therefore, the Council *was* as aristocratic a branch as the Lords; for no person could be a member of it unless the authorized representative of the Crown had impliedly approved of him.

The precedents which have been collected seem to show that the House of Representatives appears (after 1750) to have claimed a right "to originate all taxes and grants of money;" but this was after the valor and generosity of the *Commons* of the Province had been magnanimously displayed in the French war, and the great expedition which resulted in the capture of Louisburg. The same effect was being produced that had already been brought about in England. The grants of money asked, and the long controversy about providing a permanent, independent

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salary for the royal governor, had taught the House to make use of its grants of supply to restrain the king's representative. But, in the early part of the century, the House had been treated with much contumely by the Governor and Council. In 1703 it had been obliged to send up a protest with the tax bill, that it was the privilege of the House to concur in the "disposal of all and every sum or sums that are put into the treasury, so far as it *can be practical.*" In the records of the General Court for 1708 (vol. viii. p. 378, not included in precedents printed under joint order, because not then reported as found) are entries showing that the House sent up to the Council a list of articles which they call "Grievances," wherein they complain that several sums of money have been withdrawn out of the treasury, not raised by acts of the General Court, "nor yet under the head of incident and contingent charges for the support of this government," as money paid for fortifications; "for entertaining the court martial in September last;" "for illuminations at the Council Chamber;" "paying to Capt. Southack forty shillings per month more than the highest allowance for any sea commander, without the consent of this House;" "the allowance of large sums of money for the support of the governor and his guards eastward into the Province of New Hampshire, without the concurrence of this House."

In their reply the Board say, "This Board have never doubted, but consented, from time to time, to the votes of the House for payments and allowances to particular persons, when possibly they may have thought the sum granted has exceeded the merit of the service." This implies that the Council could not only reject, but amend, bills or resolves making grants. And the right of amendment is expressly claimed by the Council on p. 2 of "Extracts." In 1754 (p. 7) they assert their equal right to act about the Province property, to adjust the treasurer's accounts, to receive balances, &c.; and claim that the subsequent action of the House showed that that branch admitted all this. But the House of Commons, at that period, utterly denied the Lords any participation in affairs of that character. In 1760 the House more boldly asserted a prerogative similar to that claimed by the Commons (see the papers about examination of the treasurer's account, pp. 9 to 14 inclusive).

Under the charter all moneys were drawn from the treasury upon the governor's warrant, with advice of the Council (Palfrey, vol. iv. p. 81).

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Oct. 16, 1733, the House of Representatives surrendered, by a vote of two to one, a claim it had asserted for a long time previous, — that no money should be drawn from the treasury on the governor's warrant, unless the House had previously examined and approved the expenditure (Palfrey, vol. iv.).

Mr. Justice Cushing (p. 31, Senate Document No. 253) alludes to "a supposed resemblance of the Council to the House of Lords in the British Government, who are not elected by the people, and do not represent them, but are a distinct body, having a distinct interest from the people."

"Formerly," says Judge Sergeant (ditto, p. 33), "the Council were not immediately the representatives of the people, but were subject to a regal negative. . . . But why there was so strict an adherence to that rule then I never was able to comprehend: the similarity between the House of Lords in England and our Council was not so great as to warrant it." Judge Sewall holds similar language as to the supposed power and authority of the Council, under the charter of William and Mary, "respecting money matters." *It is to be observed, however, that the power actually exercised by the Council, chosen subject to "a regal negative," was as great as that now conceded by the House to the Senate under the constitutional provision.*

Mr. Cushing, in his "Law and Practice of Legislative Assemblies" (p. 890, ed. 1856), says, "The constitutional privilege above mentioned, by virtue of which it is the practice of the House of Commons *to originate taxes*, has been extensively copied in this country, a corresponding provision having been inserted in all our constitutions, except in Rhode Island, Connecticut, New York, Maryland, Virginia, North Carolina, Florida, Tennessee, Ohio, Illinois, Michigan, Arkansas, Wisconsin, and California," — fourteen States. "In the Constitution of the United States, and the States of Maine, New Jersey, Pennsylvania, Delaware, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Kentucky, Indiana, Missouri, Texas, — thirteen States, — the language is, 'All bills for raising revenue shall originate in the House of Representatives;' in Vermont, 'all revenue bills;' in Iowa, 'all bills for revenue;' in Georgia, 'or appropriating moneys.'

"The Constitution of Delaware declares that 'no bill, from the operations of which, when passed into a law, revenue may incidentally arise, shall be accounted a bill for raising revenue.' This is so obviously the proper sig-

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nification of the word 'revenue,' that it would probably be admitted as conveying the true meaning, rejecting the parliamentary meaning of the term, by which penalties and forfeitures taken from the subject are accounted as revenue, whether they go into the treasury or not. The term 'money bills,' as used in the Constitutions of New Hampshire and Massachusetts, is broad enough to include both the raising and appropriating of money;" and also, we may add, the "penalties and forfeitures," and the "incidental" revenue, if it means any thing else besides "bills for raising revenue."

Mr. Cushing's statement is a mere dictum, however; and it is evident that he was not aware of the Massachusetts precedents from 1780-1790 controlling the term "money bills."

President Upham in 1857 (Hale's Legislative Debates), Speaker Jewell in 1868 (House Journal, p. 400), alike refer to the provision in the Federal Constitution, already cited, and to the debates in the Convention that framed it, for the purpose of sustaining their respective opinions as to the privileges of the House and Senate.

It is thought that a careful review of what was really done and said in that Convention will throw light upon the whole matter, and best exhibit the state of opinion and information among the public men of that day.

The Convention was held at Philadelphia May 14, 1787, seven years after the adoption of the Massachusetts Constitution. Rufus King, Elbridge Gerry, Caleb Strong, and Nathaniel Gorham, were the delegates from this State. Gerry, an ardent Democrat, was the most earnest advocate in the Convention for an exclusive privilege of the popular branch.

May 25, Washington was unanimously chosen President of the Convention.

Mr. Randolph (May 29) presented a plan suggested by the Virginia delegates, in form of resolutions, in which it was proposed "that each branch ought to have the power of originating acts" (Madison Papers, vol. ii. p. 732).

June 13. "Mr. Gerry moved to restrain the senatorial branch from originating money bills. The other branch was more immediately the representatives of the people, and it was a maxim that the people ought to hold the purse-strings" (p. 856).

Mr. Butler (South Carolina) "saw no reason for such a discrimination. We were always following the British Constitution when the reason of it did not apply. There

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was no analogy between the House of Lords and the body proposed to be established." It would lead the other House "into the practice of tacking other clauses to money bills."

"Mr. Madison observed that the commentators on the British Constitution had not yet agreed on the reason of the restriction on the House of Lords in money bills. Certain it was there could be no similar reason in the case before us. The Senate would be the representatives of the people as well as the first branch."

"Mr. King differed from Mr. Gerry, and concurred in the objections to the proposition" (p. 857).

"Mr. Pinckney thinks the question premature. If the Senate should be formed on the same proportional representation as it stands at present, they should have equal power; otherwise, if a different principle should be introduced."

Mr. Sherman. "As both branches must concur, there can be no danger, whichever way the Senate may be formed. He establishes two branches in order to get more wisdom, which is particularly needed in the finance business. The Senate bear their share of the taxes, and are also the representatives of the people. 'What a man does by another he does by himself,' is a maxim. In Connecticut both branches can originate in all cases, and it has been found safe and convenient. Whatever may have been the reason of the rule as to the House of Lords, it is clear that no good arises from it now, even there."

General Pinckney. "This distinction prevails in South Carolina, and has been a source of pernicious disputes between the two branches. The Constitution is now evaded by informal schedules of amendments handed from the Senate to the other House."

On the question for excepting money bills from the jurisdiction of the Senate, as proposed by Mr. Gerry, New York, Delaware, Virginia, voted ay, — three States; Massachusetts, Connecticut, New Jersey, Maryland, North Carolina, South Carolina, Georgia, no, — seven States (p. 858).

June 26. "The fifth resolution, 'that each branch have the right of originating acts,' was agreed to, *nem. con.*" (Madison Papers, p. 973).

Monday, July 2, the Convention having warmly discussed the proposition for an equality of votes of the States in the second branch (now called the Senate), which was lost by an equal division of votes, Gen. Pinck-

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ney said (p. 1017) "some compromise seemed to be necessary." "He proposed that a committee, consisting of a member from each State, should be appointed to devise and report some compromise." Carried. Gerry was the member from Massachusetts (p. 1023).

July 5. Gerry made a report, —

"That the subsequent propositions be recommended to the Convention, on condition that both shall be generally adopted.

"1. That, in the first branch, each State be allowed one member for every forty thousand inhabitants, each State not containing that number to be allowed one member; that all bills for raising or appropriating money, and for fixing the salaries of the officers of the Government of the United States, shall originate in the first branch, and shall not be altered or amended in the second branch; and that no money shall be drawn from the public treasury but in pursuance of appropriations, to be originated in the first branch.

"2. That, in the second branch, each State shall have an equal vote" (p. 1024).

"This report" (says a note) "was founded on a motion made in committee by Dr. Franklin. It was barely acquiesced in by the members from the States opposed to an equality of votes in the second branch, and was evidently considered by the members on the other side as a gaining of their point.

"Mr. Madison could not regard the privilege of originating money bills as any concession on the side of the small States Experience proved that it had no effect. The restriction as to amendments was of as little consequence. . . . Experience had also shown, both in Great Britain and the States having a similar regulation, that it was a source of frequent and obstinate altercations. These considerations had produced a rejection of a like motion on a former occasion, when judged by its own merits" (pp. 1025, 1026).

July 6. "The first clause, relating to the originating of money bills, was then resumed" (p. 1041).

"Mr. Gouverneur Morris was opposed to a restriction of this right in either branch, considered merely in itself, and as unconnected with the point of representation in the second branch. It will disable the second branch from proposing its own money plans," &c.

Mr. Wilson (Pennsylvania) "observed that this discrimination had been transferred from the British into

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several American constitutions. But he was persuaded, that, on examination of the American experiments, it would be found to be 'a trifle light as air.' Nor could he ever discover the advantage of it in the parliamentary history of Great Britain" (p. 1041).

Mr. Morris said, "The restriction will deprive us of the services of the second branch in digesting and proposing money bills, of which it will be more capable than the first branch. It will take away the responsibility of the second branch, the great security for good behavior. . . . It will be a dangerous source of disputes between the two Houses. We should either take the British Constitution altogether, or make one for ourselves" (p. 1043).

Mr. Wilson said, "The difficulties and disputes will increase with the attempts to define and obviate them. Queen Anne was obliged to dissolve her Parliament in order to terminate one of these obstinate disputes between the two Houses. The point is still *sub judice* in England."

Gen. Pinckney said "this restriction as to money bills had been rejected on the merits singly considered by eight States against three."

On the question, whether this clause should stand as part of the report, Connecticut, New Jersey, Delaware, Maryland, North Carolina, voted ay, — five States; Pennsylvania, Virginia, South Carolina, no, — three States; Massachusetts, New York, Georgia, divided. On the questions whether it had been decided in the affirmative, there were nine States ay, two States no (p. 1045).

July 14. Mr. Rutledge proposed to reconsider the two propositions, — money bills, and equality of votes.

Mr. Wilson said (p. 1097), "As to the privilege of originating money bills, it was not considered by any as of much moment, and by many as improper in itself."

July 16. The whole report was agreed to in the affirmative, — five States to four. Massachusetts was divided, — Gerry and Strong, ay; King and Gorham, no.

July 26. The whole plan was referred to the Committee of Detail.

Aug. 6. The report of that Committee was made.

The proposition was thus reported (p. 1228): "Sect. 5. All bills for raising or appropriating money, and for fixing the salaries of the officers of the government, shall originate in the House of Representatives, and shall not be altered or amended in the Senate. No money shall be drawn from the public treasury but in pursuance of ap-

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propriations that shall originate in the House of Representatives."

Aug. 8. Mr. Pinckney moved to strike out Sect. 5. Seven States voted to strike out Art. 4, Sect. 5. Four States voted against striking out, — New Hampshire, Massachusetts, Connecticut, North Carolina.

Aug. 9. Mr. Randolph moved to reconsider the vote. Mr. Morris "considered the section relating to money bills as intrinsically bad" (p. 1272).

Aug. 11. Mr. Randolph formally moved to reconsider Art. 4, Sect. 5, concerning money bills which had been struck out (p. 1297). "He signified that he should propose, instead of the original section, a clause specifying that the bills in question should be for the purpose of revenue, in order to obviate the objections against the extent of the words 'raising money,' which might happen incidentally; and that the Senate should not so amend or alter as to increase or diminish the sum in order to obviate the inconveniences urged against a restriction of the Senate to a simple affirmative or negative" (p. 1297).

On the question to reconsider, nine States voted ay; Maryland, no; South Carolina, divided.

Monday, Aug. 13. A reconsideration was voted (p. 1305).

Mr. Randolph moved an amendment so as to read, "Bills for raising money for the purpose of revenue, or for appropriating the same, shall originate in the House of Representatives, and shall not be so amended or altered by the Senate as to increase or diminish the sum to be raised, or change the mode of levying it, or the object of its appropriation."

Mr. Wilson said (p. 1308), "This would be a source of perpetual contentions where there was no mediator to decide them." He cited the Queen Anne case again, of a preamble to a money bill sent up by the Commons, condemning the conduct of the Ministry, who were to be impeached before trial by the Lords. The Lords could only protest.

Mr. Rutledge said, "The experiment in South Carolina, where the Senate cannot originate or amend money bills, has shown that it answers no good purpose, and produces the very bad one of continually dividing and heating the two Houses. Sometimes, indeed, if the amendment of the Senate is pleasing to the other House, they wink at the encroachment: if it be displeasing, then the Constitution is appealed to. Every session is distracted by altercations on this subject."

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Mr. Carroll: "The most ingenious men in Maryland are puzzled to define the case of money bills, or explain the Constitution on that point, though it seemed to be worded with all possible plainness and precision. It is a source of continual difficulty and squabble between the two Houses."

On the question, as to the exclusive originating in House of Representatives, four States voted ay; seven, no. (Gen. Washington now changed his vote to ay, giving up his own judgment because it was an essential point with others.)

On question of originating by House, and amending by the Senate, four States voted ay; seven, no.

On the question of appropriations originating only in the House, Massachusetts voted ay, — one State: ten States voted no.

Aug. 15 (p. 1330). Mr. Strong moved to amend Art. 6, Sect. 12, so as to read, —

"Each House shall possess the right of originating all bills, except bills for raising money for the purposes of revenue, or for appropriating the same, and for fixing the salaries of the officers of the government, which shall originate in the House of Representatives; but the Senate may propose or concur with amendments as in other cases."

Sept. 5. Mr. Brearley (of New Jersey), from the Committee of Eleven (of revision), reported (p. 1494) to say, instead of Sect. 12, Art. 6, "All bills for raising revenue shall originate in the House of Representatives, and shall be subject to alterations and amendments by the Senate: no money shall be drawn from the treasury but in consequence of appropriations made by law."

"Col. Mason, Mr. Gerry, and other members from large States, set great value on the privilege of originating money bills" (see note at p. 1501).

Sept. 8. This clause was taken up. "It was moved to strike out the words 'and shall be subject to alterations and amendments by the Senate,' and insert the words used in the Constitution of Massachusetts on the same subject, — viz., 'but the Senate may propose or concur with amendments, as on other bills;' which was agreed to, *nem. con.*"

On the question on the first part of the clause, "all bills for raising revenue shall originate in the House of Representatives," New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, voted ay, — nine States; Delaware, Maryland, no, — two States (p. 1531).

In Hamilton's scheme for a Constitution (Appendix No.

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5), p. 16, Art. 1, Sect. 7, "Bills for raising revenue, and bills for appropriating moneys for the support of fleets and armies, and for paying the salaries of the officers of the government, shall originate in the Assembly, but may be altered and amended by the Senate."

The whole weight of the argument in the Philadelphia Convention was opposed to any discrimination against the Senate; and it is obvious that if there had not been a compromise between those who desired an equality of representation for all the States, large or small, in the Senate, and those who desired a corresponding counterpoise in the popular branch, that no provision whatever of this character would have been inserted in the instrument. The suggestions of the wisest delegates run on all-fours with the argument heretofore presented as to the folly, inconvenience, and impracticability of any restriction upon the Senate. Is it probable that such considerations were absent from the minds of those, who, seven years before, framed the Massachusetts Constitution?

It is especially to be remarked, that many well-informed statesmen used the term "money bills" without a nice discrimination of what it did mean, — whether more or less, — and generally as synonymous with the words "bills for raising revenue."

Thus Mr. Dickinson said (Madison Papers, vol. iii. p. 1313), "Eight States have inserted in their constitutions the exclusive right of originating money bills in favor of the popular branch of the legislature. Most of them, however, allowed the other branch to amend." This, he thought, it will be proper for us to do.

The fact was, that only *two* States — New Hampshire and Massachusetts — had used the term *money bills* in their constitutions. The phrase in the others was, *bills for raising revenue*. Yet these are equally *money bills* in fact, as well as in the conception of Mr. Dickinson. In No. 58 of the "Federalist" (sometimes ascribed to James Madison), Alexander Hamilton wrote of the Federal Constitution, "Notwithstanding the equal authority which will subsist between the two Houses on all legislative subjects, except the originating of *money bills*."

May 29, 1787. Charles Pinckney of South Carolina proposed a plan, wherein occurs the following: "All money bills of every kind shall originate in the House of Delegates, and shall be altered by the Senate."

I believe it has been somewhere suggested that the word "all" in our Constitution adds force to the words "money

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bills." But Mr. Pinckney thought it necessary to say "*all money bills of every kind*," and with propriety; for, as we have seen, a money bill is of three kinds, — a bill to tax, a bill of supply, and a bill of appropriation. Either of these fills the meaning of the term "money bill." But the principal one is the tax bill, which, we urge, is, in view of the contemporaneous discussion, also the money bill of our Constitution.

The Massachusetts Convention to consider the Federal Constitution met in Boston in 1788. Elbridge Gerry, the earnest advocate of the restriction upon the Senate in the Philadelphia Convention, addressed to it a paper, in which he, too, speaks of the revenue or money bill as synonymous (see Debates of this Convention published in 1856 at Boston). In his "State of Facts," submitted Jan. 21, 1788. Gerry says, —

"It was likewise conceived that the right of expending should be in proportion to the ability of raising money; that the larger States would have the least security for their property, if they had not the due command of their own purses; that they would not have such command, if the lesser States in either branch had an equal right with the latter to originate, or even to alter, money bills; that, if the Senate should have the power to propose amendments, they may propose that a bill, originated by the House to raise one thousand, should be increased to one hundred thousand pounds," &c., "had this provision been preserved in the Constitution, and the Senate precluded from a right to alter or amend *money or revenue bills*," &c.

In the Convention, Judge Increase Sumner, afterwards Governor (1797–99), said of the clause in the Federal Constitution, "Another (security) is, that all money-bills are to originate with the House of Representatives" (Debates, p. 163).

Theophilus Parsons thus applies the term "*money bills*." Said he, "It is objected that it is dangerous to allow the Senate a right of proposing alterations or amendments in money bills; that the Senate may, by this power, increase the supplies, and establish profuse salaries," &c.

"This subject was fully considered by the Convention for forming the Constitution of Massachusetts; and the provision made by that body, after mature deliberation, is introduced into the Federal Constitution."

Theophilus Parsons knew the worth and value of language, and was thoroughly conversant with the proceedings and motives of the Philadelphia Convention.

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Mr. Speaker Jewell undertakes to show that Parsons did not know what he was talking about (House Journal 1808, p. 398).

He quotes the provision in the rejected Constitution of 1778, Art. 14: —

"The Senate and House of Representatives shall be two separate and distinct bodies, each to appoint its own officers, and settle its own rules of proceeding; and each shall have an equal right to originate or reject any bill, resolve, or order, or to propose any amendments to the same, excepting bills and resolves levying or granting money or other property of the State, which shall originate in the House of Representatives only, and be concurred or non-curred in whole by the Senate."

"This provision, it will be seen," says the Speaker, "is a very exact reproduction of the rights of the House of Commons, and of the limitation of the power of the Lords."

Pretty exact, but not "very exact;" for we have seen that the so-called "rights" took a still wider sweep.

Mr. Jewell goes on to show, that, in the "Essex Result," Parsons severely criticised the rejected Constitution, but made no criticism or objection to the article above quoted. He quotes also to show, that, in the "Result," Parsons used the phrase "money bills," &c. "Each branch hath a negative upon the other; and either branch may originate any bill, or propose any amendment, except a money bill, which should be concurred or non-concurred in by the Senate as a whole." "In this passage," says Mr. Jewell, "he evidently has given his construction of the language of the instrument then under his examination, and treats the phrase *money bills* as an equivalent to the two classes of bills called 'bills and resolves, levying and granting money,'" &c. "This eminent man was, as has been said, a member of the Convention of 1779, and one of the Committee which made the draft of our present Constitution."

If that "eminent man" used the term "money bills" to include both bills levying and bills granting money, he spoke with correctness, as we have noticed again and again; for the *money bill* might include both, and might include only one, of those classes of bills. The term was used, as it is in the index to the Madison Papers, "as bills about money." This reasoning begs the whole question. Did the makers of the Constitution use the term to mean more, or to mean less, — all kinds of bills containing any thing about money, or the great Money Bill, the Tax Bill, on the

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control of which for centuries English and American liberty had been believed to hang? As well argue, that because Parsons and many others use the term "bills for raising revenue" as synonymous with "money bills," that therefore the bill for raising revenue includes also the bill granting money, or imposing penalties, &c. Parsons and his associates, who drew our present Constitution, did not adopt the provision in the rejected Constitution; for they gave the Senate the power to amend money bills, instead of compelling that body to accept or reject them as a whole; and, after further reflection, they only restricted that body, as we suggest, from originating the tax bill. And Mr. Parsons, of the Committee of 1779 to frame the Constitution, and the leader of the Federal Convention of 1788, knew very well what he was saying when he declared in the latter body that the provision of the Massachusetts was in the Federal Constitution.

The meaning in which he thought of the great distinctive original feature of a money bill is to be found in that speech of the "Debates" in which he said (Memoir, p. 100), "*a money bill is a grant to the king.*"

It is a curious fact that the origin of the Convention in Massachusetts to consider the Federal Constitution was in the Senate itself (see p. 22 of the "Debates").

The resolutions for the assembling of the Convention — in Senate Oct. 20, 1787, Samuel Adams, President — provide for the travel and attendance of the delegates of the Convention, out of the public treasury, the same pay as will be allowed to the representatives therefor this present session; and that *the same be defrayed at the public expense.*

That the Governor is requested, with advice of the Council, to issue his warrant upon the treasurer, directing him to discharge the pay-roll of said Convention out of any moneys which will then be in the treasury not appropriated.

That, if there shall not be sufficient moneys then in the treasury for that purpose, the *treasurer is hereby authorized and directed to borrow sufficient moneys therefor* on such funds of the government as are not appropriated.

In the House of Representatives, Oct. 25, 1787. Approved. John Hancock. — Read and concurred. James Warren, Speaker.

And in the Convention journal it is recorded, under date of Feb. 7, 1788, "Pay-roll made up at £4,499. 2*s.*, and resolution requesting the Governor to draw his warrant therefor."

Every thing in the Constitution shows the two branches are on an exact equality of origin and power, except as to the "money bill."

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As the Senate is to be "the first branch of the Legislature," and the senators would probably be of greater age and substance than the representatives, they were to have a larger amount of property as a qualification, and to have been inhabitants of the Commonwealth for a longer time. As they will represent a larger amount of property, proportionally, and to recognize the element of property in the Constitution, the senatorial districts are to elect members of the Senate according to "the proportion of the public taxes paid by the said districts." Whilst the power to levy taxes was conceded to the popular branch, there certainly could be no objection to allowing that branch, which more approximately represented the tax-paying constituency, to amend the tax-bills and originate grants.

And in our time it is seriously proposed to restrict to tax-payers the exclusive privilege of voting on appropriations.

Every male inhabitant properly qualified "shall have a right to give in his vote for the senators for the district of which he is an inhabitant." The advisory powers of the old council are remitted to a new body, the members of which are to be chosen on joint ballot by the senators, just as formerly the councillors were chosen by the representatives; and the legislative functions of the charter council are remitted to the Senate. And yet the Senate, now freely chosen by the people, are, as to the most important part of legislation, to have no more power than the charter councillors, on whose choice the king's governor formerly frequently exercised his prerogative of a negative.

And this is in the face of the very definition of the General Court, that it shall be formed by two branches, "each of which shall have a negative on the other;" that "the said General Court" shall have full power and authority to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and persons resident and estates lying within, the said Commonwealth.

And, moreover, the senators, by Chap. 1, Sect. 11, Art. 11, are actually the only representatives of the inhabitants of plantations unincorporated who were qualified to assess taxes upon themselves, and who "shall have the same privilege of voting for councillors and senators in the plantations where they reside as town-inhabitants have in their respective towns." But under Sect. 111, Art. 2, the corporate *town* alone could elect representatives; and only the resident in any town for one year had a right to vote

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for a representative for the town. Thus, while the House of Representatives was, in the aggregate, elected by altogether the larger number of people in the Commonwealth, yet not all, the Senate was, in the aggregate, elected by absolutely *all* the people.

All the four justices, in their opinions, in 1781, use language which shows they regard the Senate as a representative body equally with the House of Representatives: and they utterly refuse to enter into any comparison which shall assimilate its position to that of the old charter council; although it has been doubtless observed that certain of them fail to understand why even the old council should have been supposed to represent in the Province the English House of Lords. Certainly neither in the Constitution nor in the opinions do we find any reason suggested why the Senate should be excluded even from participation in levying or raising revenue. Still less is any presumption to be drawn from either, or from contemporaneous opinion and expression, for stretching the exclusion of the Senate from the tax bill, assigned to the jurisdiction of the House from an unfortunate deference to traditional prejudice, unreasonable and illogical, to that vast and multiform claim upon which the House of Commons in the last century vaunted itself, but which in this it tries to dock and prune. It is said precedents are of little avail, because the Senate has even originated tax bills. Yes; and it appears from the precedents (p. 19), that, in one session (1782), "the only bills concerning money which passed and were signed by the Governor originated in the Senate."

This only shows how absurd was the original limitation; still more, that the interpretation of a money bill as a tax bill being in accordance with history and right reason, and fully answering to and corresponding with the doctrine of this country at the time, and the provisions on this subject of the constitutions of all the other states save one (our neighbor, New Hampshire), and with the Constitution of the United States also, the claim to extend that limitation to a great and most inconvenient exclusion is extraordinary, and prejudicial in the extreme.

Thus far we have argued without reference to the precedents since the adoption of the Constitution. But it is well known that the Senate relies upon a great cloud of witnesses, already being content to rest its privilege upon such suggestions as have been heretofore presented.

It is entirely unnecessary to repeat what President Pit-

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of Framingham, John Hastings of Hardwick, Jonathan Warner of Hardwick, Israel Nichols of Leominster, Ephraim Starkweather of Rehoboth, and Seth Washburn of Leicester. March 11, 1785, ten members of the Constitutional Convention were members of the Senate; John Lowell, and Caleb Strong, who was afterwards a member of the Federal Convention, senator in Congress, and governor, being two in addition to those previously named. Gen. Heath of Revolutionary fame was a member; so also was Theodore Sedgwick, who succeeded Caleb Strong as United-States senator; so also was Tristram Dalton, elected with Caleb Strong, one of the two first senators of the United States, *who for the two previous years had also been Speaker of the House of Representatives*, 1783–1785.

And in the House of 1783, which deliberately, and after mature consideration, conceded and declared the equal privilege of the Senate to originate grants of money, sat Tristram Dalton, Thomas Dawes, James Sullivan, William Phillips, Rufus King, Nathan Dane, and William Prescott.

It is quite clear that Speaker Jewell was not aware of the Hinckley precedent when he gave his ruling in 1868 upon the case of Newman; otherwise his candor would have compelled him to take some notice of that and the other earlier precedents. Indeed, he says (p. 403), "If contemporaneous usage could be shown, by which it should appear that immediately after the adoption of the Constitution, and up to the present time, the Senate had originated the appropriation bills equally with the House, and without objection on the part of the House, it might affect the view of the Chair as to the construction of the language of the Constitution. But, so far as known to the Chair, no such usage existed, or now exists. If it was understood by the framers of the Constitution that money bills included only revenue bills, and did not include appropriation bills, why should not the Senate have originated them from the first equally with the House? . . . That such was not the case seems to the Chair to have resulted from an acknowledged construction of this clause of the Constitution."

But such *was* the case: and therefore the Speaker has admitted, unwittingly, that "the acknowledged construction of this clause of the Constitution" HAS recognized the right of the Senate to originate bills granting and appropriating money; indeed, all sorts of bills relating to money. This overwhelmingly appears by the precedents

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from 1780 to 1790; by the cases recited by President Pitman; by the list of the acts and resolves of 1863 and 1864 appended by him (p. 353), some of them most important in their character, such as the State-Aid Act of 1866, "under which over two millions of dollars were drawn from the treasury;" and, lastly, by the list heretofore given of such acts and resolves originating in the Senate the very present session, and, without objection, concurred in by the House.

Indeed, it is only to petty trifling resolves that the objection of the House privilege has usually been interposed. The great, important bills have gone forward without interruption. As President Pitman says, "The argument from usage seems to be complete. If it be still asked why the general appropriation bills, so called, have not originated in the Senate equally with the House, it is a sufficient reply, that in the Congress of the United States, where, by the explicit provision of the Constitution, all bills but bills for raising revenue may originate in the Senate, it has not been the general usage for appropriation bills to originate in that branch."

Mr. Jewell, having the Hinckley case pressed upon him in 1869, after the ruling of President Pitman, endeavors to belittle the precedent. "In that case," he says, "the right of the Senate to originate a resolve granting a trifling sum for services performed in bringing letters from the western part of the State was in dispute between the two branches during many months, and over two or three adjourned sessions.

"The Senate, which then stood as the representative of the money of the State, and into which body men of the highest standing desired to go, and did go at this time, evidently, by their mere pertinacity, wearied out the House; and the House, after a long struggle, yielded to their demand. It was simply a struggle as to who could hold out longest; and the House yielded, as the body largest in numbers usually will upon a question almost entirely technical."

Let us commend to Mr. Jewell the opposing opinion of Alexander Hamilton (or James Madison) in "The Federalist," when speaking of the National House of Representatives: "It cannot be doubted that the House, composed of the greatest number, when supported by the more powerful States, and speaking the known and determined sense of a majority of the people, will have no small advantage in a question depending on the comparative firmness of the two Houses."

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But the reason given by the Speaker is, we suggest, merely trivial, and an undeserved slur upon the high character of those men of the Senate, as well as the House, of 1783.

Does anybody believe that Samuel Adams, Samuel Phillips, John Lowell, and Caleb Strong, of the Senate of that year, bullied and browbeat into submission such noble representatives as William Phillips, Thomas Dawes, James Sullivan, Tristram Dalton, Rufus King, Nathan Dane, and William Prescott? That "privilege" must be weak indeed which needs be strengthened by such arguments as these.

The Chair, then, has had no hesitation in coming to the conclusion, that the Bill and the Resolve in question can constitutionally originate in the Senate. This has appeared clear to him upon a careful historical examination of events and results; upon the reason of the thing; upon the arguments and cases heretofore collected in behalf of the Senate, or discovered upon his own search; and, lastly, from the precedents collected at the request of the Honorable the Justices of the Supreme Judicial Court since the ruling in these two cases, and before this opinion was completed for filing, in accordance with the intention expressed at the oral delivery.

Land Commissioners.

The resolve was again laid on the table.

The Senate bill to authorize the Land Commissioners to convey certain lands in the city of Boston was taken from the table and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Adjourned.

WEDNESDAY, April 17, 1878.

Met according to adjournment.

The journal of yesterday was read.

Connecticut and Merrimack Rivers.

Mr. Ewing, from the committee on the Fisheries, on an order relative to the subject, reported a bill to amend section 3 of chapter 144 of the Acts of 1874, relative to fishing in the Connecticut and Merrimack Rivers.

First Baptist Society in Brighton.

Mr Brown, from the committee on the Judiciary, on the bill to change the name of the First Baptist Society of Brighton, and confirm the doings thereof, reported the

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same in a new draft; and these bills were severally read and ordered to a second reading.

Mr. Breed, from the committee on Street Railways, on the bill concerning street-railway corporations; and

Street Railways.

Mr. White of Plymouth, from the committee on the Judiciary, on the bill creating a lien upon horses and other domestic animals for the expenses of their care and keeping, severally reported that said bills ought to pass; and they were ordered to a second reading.

Horses and other domestic animals, lien upon.

Papers from the House.

A bill in relation to the management of the Hoosac Tunnel and Troy and Greenfield Railroad was read and ordered to a second reading.

Hoosac Tunnel and Troy and Greenfield Railroad.

A bill in relation to the State prison was referred, in concurrence, to the committee on Prisons.

State Prison.

The following engrossed bills (all of which originated in the House,) passed to be enacted and were laid before the Governor for his approval: —

To authorize the city of Salem to construct a main drain or sewer in the North River.

Bills enacted, and laid before the Governor.

To incorporate the Fusilier Veteran Association of the city of Boston.

Concerning vagrants.

Concerning suits upon debts, claims, and assets sold or assigned by executors and administrators.

Authorizing the establishment of nautical schools.

For the protection of the shores and beaches in the towns of Hull and Cohasset.

Making additional appropriations for certain expenditures authorized in eighteen hundred and seventy-seven and previous years.

The orders of the day were taken up, and the bills,

To confirm the location of the Troy and Greenfield Railroad in the County of Franklin;

Bills.

To authorize the collection of interest on district taxes;

In relation to railroad police;

To confirm certain acts of the town of Tyringham, were severally read a second time and ordered to a third reading.

The House bills,

Relating to arrest in certain cases;

Relating to recognizances and bonds in municipal and district courts;

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To regulate the transaction of the business of insurance in this Commonwealth;

Relative to the rebuilding and improvement of stables in the city of Boston;

Relating to State contracts and expenditures, were severally read a third time, and passed to be engrossed in concurrence.

Newburyport. The bill to supply the city of Newburyport with water was read a third time as heretofore amended, and passed to be engrossed in concurrence with an amendment which was

Sent down for concurrence.

The bills,

Bills. Relating to the attendance of deputy-sheriffs upon the supreme judicial and superior courts;

Concerning the records of deeds for the town of Dalton, were, in accordance with the report of the committee thereon, rejected.

Police department of Boston. The bill in relation to the police department of the city of Boston was assigned for consideration on Friday next at half-past two o'clock, P.M.

Embezzlement. The House bill in relation to embezzlement by town, city, and county officers, was read a third time and passed to be engrossed in concurrence.

Trustees and trust estates. The bill relating to trustees and trust estates was read a second time and ordered to a third reading.

Executors et als. The bill conferring upon judges of probate certain powers in relation to the removal of executors, administrators, guardians, and trustees, and the enforcement of decrees made in pursuance thereof, was recommitted to the committee on Probate and Chancery.

Railroads. The House report on so much of the report of the Railroad Commissioners as relates to the fencing of railroads was recommitted with instructions to report a bill.

Samuel C. Kenney. The Senate refused to reconsider the vote whereby the resolve in favor of Samuel C. Kenney was refused a third reading.

Merchandise. The bill in relation to sales of merchandise at temporary stands in the public streets was, in accordance with the report of the committee thereon, rejected.

Statistics. The bill to provide for the collection and publication of statistics was taken from the table, and placed in the orders of the day for to-morrow.

Adjourned.

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THURSDAY, April 18, 1878.

Met according to adjournment.

The journal of yesterday was read.

Ipswich River. Mr. Rogers, from the committee on the Fisheries, on the bill to preserve the eel-fisheries in Ipswich River and its tributaries in the town of Ipswich; and

Paris Exposition. Mr. Flatley, from the committee on the Treasury, on the bill authorizing the Board of Education to make certain expenditures in connection with the Paris Exposition, reported that these bills severally ought to pass; and they were ordered to a second reading.

Judgment debtors. Mr. Coffin, from the committee on the Judiciary, on the bill to repeal chapter 250 of the Acts of the year 1877, relating to the arrest and examination of judgment debtors; and

Thomas Mallory. Mr. Adams, from the committee on the Treasury, on the resolve in favor of Thomas Mallory, reported that said bill and resolve severally ought not to pass; and they were placed in the orders of the day for to-morrow, on the question of rejection.

Lands of the Commonwealth in Adams and Florida. Mr. Winn, from the committee on the Hoosac Tunnel and the Troy and Greenfield Railroad, on the order relative to the sale of certain lands of the Commonwealth in the towns of Adams and Florida, reported that the subject be referred to the next General Court; and the report was read and placed in the orders of the day for to-morrow.

Papers from the House.

Pilgrim Society in Plymouth. A resolve in favor of the Pilgrim Society of Plymouth, (on the petition of William T. Davis and others,) was read and referred to the committee on the Treasury.

Bills. Bills,

In relation to the transportation of intoxicating liquors in violation of law, (on the petition of the selectmen of Provincetown);

For the protection of the dike across East-Harbor Creek in Truro, (on an order in relation to the subject);

To regulate the sale of intoxicating liquors by druggists and apothecaries, (on an order in relation to the subject,) were severally read and ordered to a second reading.

George T. Bigelow et als. A report of the committee on Taxation, granting leave to withdraw, (on petition of George T. Bigelow and others,)

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was read and placed in the orders of the day for to-morrow.

Massachusetts General Hospital.

A petition of the Massachusetts General Hospital to be heard in relation to the bill relating to the real estate of literary, benevolent, charitable and scientific institutions, was referred in concurrence, to the committee on Taxation.

Taxation of incomes.

Notice was received from the House that the Senate bill in relation to the taxation of incomes had been rejected by that branch.

The following engrossed bills, (the first of which originated in the Senate,) passed to be enacted, to wit: —

Bills enacted, and laid before the governor.

To prevent trespass on land.

In relation to the recording and registering of bets and wagers, and the buying and selling of pools.

Relating to the expense of rebuilding Thurlow's Bridge in Newbury.

Relating to insurance agents and brokers.

To prevent frauds in the sale of sewing-thread.

Concerning the expenses of the Railroad Commissioners.

Disabled Soldiers' Employment Bureau.

An engrossed resolve in favor of the Disabled Soldiers' Employment Bureau, (which originated in the House of Representatives,) passed, and, with the above-named bills, was laid before the Governor for his approval.

Real estate.

Mr. Brown, from the committee on the Judiciary, on the order in relation to the subject, reported a bill in relation to the redemption of real estate purchased by towns and cities for non-payment of taxes; and the same was read and ordered to a second reading.

The orders of the day were taken up; and the bills,

Bills.

Concerning street-railway corporations;

To change the name of the First Baptist Society of Brighton, and confirm the doings thereof;

In relation to the management of the Hoosac Tunnel and Troy and Greenfield Railroad, were read a second time and ordered to a third reading.

Railroad corporations.

The bill concerning the amount of capital stock required in the organization of railroad corporations, and for other purposes, was read a third time and further amended; also amended in the title by substituting therefor the following: "Bill concerning the amount of capital stock required before a railroad corporation can commence the construction of its road."

The bill, as amended, was then passed to be engrossed.

Sent down for concurrence.

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The bill to further provide for the licensing and restraining of dogs, and for the recovery of damages for injuries inflicted by them, was read a second time, amended, and ordered to a third reading. Dogs.

The bill to abate a nuisance in the city of Boston, and for the preservation of the public health in said city, was further considered and amended, and, pending the consideration of a further amendment proposed therein, passed over. Boston.

The Senate bill to confirm the location of the Troy and Greenfield Railroad in the county of Franklin was read a third time and passed to be engrossed. Troy and Greenfield Railroad.

Sent down for concurrence.

Came up concurred.

The Senate bill relating to trustees and trust-estates was read a third time and passed to be engrossed. Trustees.

Sent down for concurrence.

The House bills, Bills.

To authorize the collection of interest on district taxes;

To confirm certain acts of the town of Tyringham;

In relation to railroad police, were severally read a third time and passed to be engrossed in concurrence.

The bill relating to State charitable and reformatory institutions was passed over.

The orders of the day were laid on the table.

On motion of Mr. Flatley, the vote by which the bill in relation to sales of merchandise at temporary stands in the public streets was rejected, was reconsidered, and the bill was ordered to be placed in the orders of the day for Tuesday next. Sales of merchandise at temporary stands.

The orders of the day were taken up, and the bill relating to conveyances, gifts, and contracts between husband and wife, was considered, the question being on the rejection of the same; but, before said question was taken, the Senate adjourned. Husband and wife.

FRIDAY, April 19, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Merriam, from the committee on the Judiciary, to whom was referred the bill to provide for the recovery of Recovery of lands in certain cases.

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lands unlawfully held against purchasers at mortgagees' sales, reported the same in a new draft; and the bill was read and ordered to a second reading.

Bridget Murphy.

Mr. Breed, from the committee on the Treasury, on the resolve in favor of Bridget Murphy of Merrimac, reported that the same ought not to pass; and it was placed in the orders of the day for to-morrow on the question of rejection.

Fire district in Lenox.

Mr. Brown, from the committee on the Judiciary, on the bill permitting the establishment of a fire district in Lenox, reported that the same ought to pass with certain amendments; and it was ordered to a second reading.

Papers from the House.

Property and persons exempted from taxation.

The House bill to amend section 5 of chapter 11 of the General Statutes, relative to property and persons exempted from taxation, came up non-concurred in the Senate amendment therein; and the Senate insisted on its amendment, and Messrs. Coffin, Bishop and Lynde were appointed a committee of Conference on the disagreeing votes of the two Houses.

Sent down for concurrence.

Railroad companies.

The report of the committee on Railroads, in relation to requiring railroad companies to fence their roads, came up non-concurred in the recommitment of the same to the committee on Railroads with certain instructions; and the report was laid on the table.

Committee on the Hoosac Tunnel, etc.

Ordered, In concurrence, that the committee on Hoosac Tunnel and Troy and Greenfield Railroad be granted one week further time in which to report on matters referred to them.

Bills enacted.

The following engrossed bills (the first four of which originated in the Senate,) passed to be enacted, to wit:—

In relation to the approval of private schools by school committees.

To provide for the more accurate registration of vital statistics.

In amendment of an Act to establish harbor lines on Charles River.

To amend chapter 384 of the Acts of the year 1869, concerning the cultivation of fishes.

To amend chapter 111 of the Acts of the year 1869, relating to sewers and drains.

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To amend section 22 of chapter 130 of the General Statutes, relating to set-off.

Relating to the disposition of certain funds in the Treasury of the city of Boston.

Concerning the appointment of special commissioners for alterations in railroad crossings.

In relation to the compensation of auditors.

Resolves passed.

The following engrossed resolves, (the first two of which originated in the Senate) passed, to wit: —

In favor of Foster King.

Relative to the distribution of certain public documents.

In favor of discharged female prisoners.

Money Bills.

On motion of Mr. Russell,

Ordered, That the opinion of the justices of the Supreme Judicial Court be requested upon the following questions: —

First, Can the Senate, under the provisions of chapter 1, section 3, article 7, of the Constitution, originate a bill or resolve appropriating money from the treasury of the Commonwealth?

Second, Can the Senate, under said provisions, originate a bill or resolve in any way involving, directly or indirectly, the expenditure of money from the treasury, or imposing any burden or charge thereon?

Bust of Henry Wilson.

Mr. Flatley presented petitions of committees of the 22d regiment and 3d battery, and others, that the bust of Henry Wilson may be removed from the Library and placed in Doric Hall.

Referred to the committee on the State House.

Sent down for concurrence.

Came up concurred.

Husband and wife.

The orders of the day were taken up, and the Senate resumed the consideration of the unfinished business of yesterday, viz.: —

"Bill relating to conveyances, gifts, and contracts between husband and wife;" and the question being on the rejection of the same, after debate, it was determined as follows, to wit: —

YEAS. — Messrs.	Abbott,	Breed,	Brown,
	Gilbert,	Hayes,	Merriam,
	White James,	White Jno. — 8.	

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NAYS. — Messrs.	Adams,	Barton,	Beal,
	Burrage,	Coffin,	Day,
	Ely,	Flatley,	Gogin,
	Gregory,	Hill,	Hodges,
	Palmer,	Ropes,	Russell,
	Swett,	Truell. — 17.	

So the Senate refused to reject the bill; and the same was read a second time and ordered to a third reading.

Bills.

The bills,

In relation to the redemption of real estate purchased by towns and cities for non-payment of taxes;

To preserve the eel fisheries in Ipswich River and its tributaries in the town of Ipswich;

Authorizing the Board of Education to make certain expenditures in connection with the Paris Exposition;

For the protection of the dike across East-Harbor Creek in Truro, were severally read a second time and ordered to a third reading.

Lien on horses and other domestic animals.

The bill creating a lien upon horses and other domestic animals for the expenses of their care and keeping, was read a second time, amended, and ordered to a third reading.

Statistics.

The bill to provide for the collection and publication of statistics was refused a third reading.

Connecticut and Merrimack Rivers.

The bill to amend section 3 of chapter 144 of the Acts of 1874, relative to fishing in the Connecticut and Merrimack Rivers, was ordered to be placed in the orders of the day for Tuesday next.

Lands of the Commonwealth in Adams and Florida.

The report on the order relative to the sale of certain lands belonging to the Commonwealth in the towns of Adams and Florida; and

Thomas Mallory.

The resolve in favor of Thomas Mallory, were severally laid on the table.

Intoxicating liquors.

The bill to regulate the sale of intoxicating liquors by druggists and apothecaries was read a second time, and, Mr. Swett proposing certain amendments therein, the bill was passed over.

The bill in relation to the transportation of intoxicating liquors in violation of law was read a second time, amended and ordered to a third reading.

Judgment debtors.

The bill to repeal chapter 250 of the acts of the year 1877, relating to the arrest and examination of judgment debtors, was, in accordance with the report of the committee thereon, rejected.

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The House report on the petition of George T. Bigelow and others was accepted in concurrence. George T. Bigelow.

The bill to further provide for the licensing and restraining of dogs, and for the recovery of damages for injuries inflicted by them, was read a third time, amended and passed to be engrossed. Dogs.

Sent down for concurrence.

The Senate bill concerning street-railway corporations was read a third time and passed to be engrossed. Street-railway corporations.

Sent down for concurrence.

Came up concurred.

The Senate bill to change the name of the First Baptist Society of Brighton, and confirm the doings thereof was read a third time and passed to be engrossed. First Baptist Society in Brighton.

Sent down for concurrence.

Came up concurred.

The Senate bill to abate a nuisance in the city of Boston and for the preservation of the public health in said city, was considered, and the amendment proposed therein by the House was adopted in concurrence. Boston.

The House bill in relation to the management of the Hoosac Tunnel and Troy and Greenfield Railroad was read a third time and passed to be engrossed in concurrence. Hoosac Tunnel and Troy and Greenfield Railroad.

The bill relating to state charitable and reformatory institutions was taken up, and Mr. Ely having proposed certain amendments therein, the bill was assigned for consideration on Thursday next at 2½ o'clock P.M., and the amendments were ordered to be printed. Charitable and reformatory institutions.

The bill relating to the State Detective Force was taken from the table. Detective Force.

Mr. Truell proposed a substitute therefor, which was ordered to be printed, and the bill was ordered to be placed in the orders of the day for Tuesday next.

On motion, it was ordered that when the Senate adjourns, it be to meet on Monday next at two o'clock, P.M.

Adjourned.

MONDAY, April 22, 1878.

Met according to adjournment.

The journal of Friday was read.

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Acts and resolves laid before the governor.

The following acts were laid before the Governor for his approval, to wit: —

In relation to the approval of private schools by school committees.

To provide for the more accurate registration of vital statistics.

In amendment of an Act to establish harbor lines on Charles River.

To amend chapter 384 of the Acts of the year 1869, concerning the cultivation of fishes.

To amend chapter 111 of the Acts of the year 1869, relating to sewers and drains.

To amend section 22 of chapter 130 of the General Statutes, relating to set-off.

Relating to the disposition of certain funds in the treasury of the city of Boston.

Concerning the appointment of special commissioners for alterations in railroad-crossings.

In relation to the compensation of auditors.

Also the following resolves: —

In favor of Foster King.

Relative to the distribution of certain public documents.

In favor of discharged female prisoners.

Bail in criminal cases.

Mr. Coffin, from the committee on the Judiciary, on the House bill relative to bail in criminal cases, reported that it ought not to pass; and it was placed in the orders of the day for to-morrow on the question of rejection.

Land damage and lien cases.

Mr. Merriam, from the same committee, on the bill relative to tender and offer of judgment in land damage and lien cases, reported that the same ought to pass with an amendment; and it was ordered to a second reading.

Papers from the House.

Vermont and Massachusetts Railroad Company.

A bill to authorize the Vermont and Massachusetts Railroad Company to sell that part of its railroad known as the "Brattleborough Branch," (on the petition of the Fitchburg Railroad Company) was read, and ordered to a second reading.

Old South Association.

A resolve in favor of the Old South Association in Boston was read and referred to the committee on the Treasury.

Savings Banks.

The bill for the exemption from taxation of deposits in savings banks invested in United-States securities; and

Thos. Mallory.

The resolve in favor of Thomas Mallory; and

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The report of the committee on Claims on the petition of Adelia T. Jones, were severally taken from the table, and placed in the orders of the day for to-morrow. Adelia T. Jones.

The report of the committee on Railroads, on the subject of the fencing of railroads, was taken from the table, and, on motion of Mr. Burrage, the vote by which the report was recommitted with certain instructions was reconsidered, under a suspension of the rule; and the same Senator then proposed as a substitute therefor a bill concerning the fencing of railroads; and the report was then passed over, and the substitute ordered to be printed. Railroads, fencing of.

Mr. Saunders moved a reconsideration of the vote whereby the bill to provide for the collection and publication of statistics was refused a third reading; and the motion, being considered, was carried in the negative: so the Senate refused to reconsider. Statistics.

The hour specially assigned for the consideration of the bill in relation to the police department of the city of Boston arrived, but without action thereon, the subject was further assigned for to-morrow at half-past two o'clock, P.M. Police department of Boston.

The orders of the day were taken up; and the bill to provide for the recovery of lands unlawfully held after the foreclosure of mortgages was read a second time and ordered to a third reading. Recovery of lands in certain cases.

The bill permitting the establishment of a fire district in Lenox was read a second time, amended as proposed by the committee on the Treasury and ordered to a third reading. Fire district in Lenox.

The resolve in favor of Bridget Murphy of Merrimac was, in accordance with the report of the committee thereon, rejected. Bridget Murphy.

The bill relating to conveyances, gifts and contracts between husband and wife, was read a third time; Mr. Merriam proposed an amendment therein, which was rejected; and the bill was ordered to be engrossed. Husband and wife.

Sent down for concurrence.

The House bill creating a lien upon horses and other domestic animals for the expenses of their care and keeping was read a third time as heretofore amended, and passed to be engrossed in concurrence with the amendment which was Lien on horses and other domestic animals.

Sent down for concurrence.

Came up concurred.

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Redemption of real estate.

The Senate bill in relation to the redemption of real estate purchased by towns and cities for non-payment of taxes was read a third time and passed to be engrossed.

Sent down for concurrence.

Bills.

The House bills,

To preserve the eel-fisheries in Ipswich River and its tributaries in the town of Ipswich;

Authorizing the Board of Education to make certain expenditures in connection with the Paris Exposition;

For the protection of the dike across East-Harbor Creek, in Truro, were severally read a third time and passed to be engrossed in concurrence.

Intoxicating liquors.

The bill in relation to the transportation of intoxicating liquors in violation of law, was read a third time as heretofore amended, and passed to be engrossed in concurrence with the amendment, which was

Sent down for concurrence.

Came up concurred.

Ibid.

The bill to regulate the sale of intoxicating liquors by druggists and apothecaries was passed over.

Adjourned.

TUESDAY, April 23, 1878.

Met according to adjournment.

The journal of yesterday was read.

Bills.

Mr. Merriam, from the committee on the Judiciary, on the bills,

Concerning trustee process;

To amend chapter 48 of the General Statutes, relating to sewers and drains, reported that these bills ought to pass severally in a new draft; and they were read and ordered to a second reading.

Pilgrim Society of Plymouth.

Mr. Flatley, from the committee on the Treasury, on the resolve in favor of the Pilgrim Society of Plymouth; and

Payment of wages earned.

Mr. White of Plymouth, from the committee on the Judiciary, on the bill to insure payment of wages earned, and for materials used, in constructing public buildings and public works; and

Lynn.

Mr. Brown, from the same committee, on the bill to discontinue a common landing-place in the city of Lynn, reported that these bills and resolve ought to pass.

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Mr. White of Plymouth, from said committee, on the bill to authorize the Massachusetts Charitable Mechanic Association to erect a wooden building in the city of Boston, reported that the same ought to pass with an amendment.

Massachusetts Charitable Mechanic Association.

And these bills and resolve were ordered to a second reading.

On motion of Mr. Coffin, the bill relating to the exemption of dwelling-houses from taxation was taken from the table; and, the same senator then proposing a substitute therefor, the bill was ordered to be placed in the orders of the day for to-morrow on the question of the adoption of the substitute.

Dwelling-houses.

The report on the order relative to just and equal taxation was taken from the table and placed in the orders of the day for to-morrow.

Taxation.

The bill to amend section 1 of chapter 331 of the Acts of the year 1870, relating to hawkers and peddlers, was taken from the table; and the Senate non-concurred in the amendment proposed therein by the House.

Hawkers and peddlers.

Papers from the House.

A bill to provide for the keeping of registers of voters in cities and towns was read and referred to the committee on the Judiciary.

Registers of voters.

A bill to authorize the grant, to Albert G. Browne, of a certain right of way over land of the Commonwealth in the town of North Adams, (on the order in relation to the sale of certain lands of the Commonwealth in the towns of Adams and Florida,) was read and ordered to a second reading.

Lands of the Commonwealth in North Adams.

The Senate bill concerning the support of married women who are insane, came up concurred with certain amendments which were adopted in concurrence.

Married women who are insane.

The bill to amend an Act entitled "An Act to establish a reformatory prison for women" came up concurred as taken into a new draft; and the same was referred to the committee on Prisons on the part of the Senate.

Reformatory prison for women.

The following engrossed bills (the first of which originated in the Senate,) passed to be enacted, and were laid before the Governor for his approval, to wit:—

Bills enacted, and laid before governor.

In relation to railroad police.

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For the better protection of the oyster-fisheries in this Commonwealth.

Apportioning taxes on real estate when divided before the payment of the taxes, or sale of the real estate.

To confirm certain acts of the town of Tyringham.

Relating to arrests in certain cases.

Vermont and Massachusetts Railroad Company.

The orders of the day were taken up; and the bill to authorize the Vermont and Massachusetts Railroad Company to sell that part of its railroad known as the "Brattleborough Branch" was read a second time and ordered to a third reading.

Bills.

The bills,

Relative to tender and offer of judgment in land damage and lien cases;

To amend section 3 of chapter 144 of the Acts of 1874, relative to fishing in the Connecticut and Merrimack Rivers, were severally read a second time, amended (the former as proposed by the committee,) and ordered to a third reading.

Bail in criminal cases.

The bill relative to bail in criminal cases was, in accordance with the report of the committee thereon, rejected.

Sales of merchandise at temporary stands.

The bill in relation to sales of merchandise at temporary stands in the public streets was considered, the question being on the rejection of the same; and said question was taken by yeas and nays as follows, to wit: —

YEAS. — Messrs.	Abbott,	Beal,	Bishop,
	Breed,	Brown,	Burrage,
	Canfield,	Cate,	Coffin,
	Day,	Gogin,	Gregory,
	Hayes,	Hill,	Knowlton, Wm.,
	Lynde,	Palmer,	Rogers,
	Ropes,	Saunders,	Sherman,
	Swett,	White, James,	White, Jonathan,
	Winn. — 25.		

NAYS. — Messrs.	Adams,	Barton,	Davol,
	Ely,	Ewing,	Flatley,
	Hodges,	Truell. — 8.	

So the bill was rejected.

Recovery of lands in certain cases.

The Senate bill to provide for the recovery of lands unlawfully held after the foreclosure of mortgages was read a third time and passed to be engrossed.

Sent down for concurrence.

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The House bill permitting the establishment of a fire district in Lenox was read a third time as heretofore amended, and passed to be engrossed in concurrence with the amendments, which were Fire district in Lenox.

Sent down for concurrence.

Came up concurred.

The bill relating to the State Detective Force was next considered, and the question being on the adoption of the substitute proposed therefor by Mr. Truell, viz., "Bill to re-organize the State Detective Force," said substitute was amended; and the question on the adoption of the same was determined as follows, to wit: — State Detective Force.

YEAS. — Messrs.	Abbott,	Adams,	Barton,
	Beal,	Burrage,	Coffin,
	Davol,	Day,	Flatley,
	Gogin,	Hayes,	Knowlton, Wm.,
	Palmer,	Rogers,	Ropes,
	Saunders,	Sherman,	Truell. — 18.

NAYS. — Messrs.	Breed,	Brown,	Canfield,
	Cate,	Ely,	Ewing,
	Gilbert,	Gregory,	Hill,
	Hodges,	Lynde,	Merriam,
	Swett,	White, James,	White, Jonathan,
	Winn. — 16.		

So the substitute was adopted, read and ordered to a second reading.

The bill for the exemption from taxation of deposits in savings banks invested in United-States securities; and Savings Banks.

The report on the petition of Adelia T. Jones, were severally passed over. Adelia T. Jones.

The report of the committee on Railroads, on so much of the report of the Railroad Commissioners as relates to the fencing of railroads, was considered; and the substitute proposed therefor by Mr. Burrage was adopted, read, and ordered to a second reading, and referred to the committee on Railroads. Railroads.

Sent down for concurrence.

The resolve in favor of Thomas Mallory was, in accordance with the report of the committee thereon, rejected. Thomas Mallory.

The bill to regulate the sale of intoxicating liquors by druggists and apothecaries was considered, and the amendments proposed therein by Mr. Swett were withdrawn; and the bill was then amended and ordered to a third reading. Intoxicating liquors.

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Police department of Boston.

Pursuant to assignment, the Senate proceeded to the consideration of the bill in relation to the police department of the city of Boston; and the same was read a second time and ordered to a third reading.

Savings Banks.

A report (from the House) of the committee on Taxation, that it is inexpedient to legislate on the order relative to exempting from taxation so much of the deposits in savings banks as are invested in mortgages, was read and placed in the orders of the day for to-morrow.

Adjourned.

WEDNESDAY, April 24, 1878.

Met according to adjournment.

The journal of yesterday was read.

Education of neglected children.

Mr. Brown, from the committee on the Judiciary, on the bill in addition to an Act concerning the care and education of neglected children; and

Elections in Boston.

Mr. White of Plymouth, from the same committee, on the bill relating to registration and elections in the city of Boston; and

Elections.

Mr. Merriam, from the same committee, on the bill to amend an Act relating to elections; and

Old South Association in Boston.

Mr. Breed, from the committee on the Treasury, on the resolve in favor of the Old-South Association in Boston, reported that these bills and the resolve severally ought to pass; and they were ordered to a second reading.

Bust of Hon. Henry Wilson.

Mr. Flatley, from the committee on the State House, on the order relative to the removal of the bust of Henry Wilson from the library and placing the same in Doric Hall, reported that said order should be adopted; and the report was read and placed in the orders of the day for to-morrow.

On motion of Mr. Merriam,

Commissioners of Savings Banks.

Ordered, That the Commissioners of Savings Banks be requested to procure and report to the Senate, the amount of the deposits withdrawn by each depositor in trust, or otherwise, from all savings banks in this Commonwealth, between the first day of January and the twenty-first day of March last past.

Sent down for concurrence.

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Papers from the House.

A resolve in favor of the State Primary School at Monson, (on the report of the inspectors of the same,) was read and referred to the committee on the Treasury. State Primary school at Monson.

A bill relating to the expenses of the office of inspector of gas-meters and illuminating gas was read and ordered to a second reading. Inspector of gas, &c.

The House bill to supply the city of Newburyport with water came up non-concurred in the Senate amendment therein; and the Senate insisted on its amendment, and Messrs. Barton, Bishop and Cate were appointed a committee of Conference on the subject-matter of difference between the two Houses. Newburyport.

Sent down for concurrence.

The following engrossed bills, (the first three of which originated in the Senate,) passed to be enacted, to wit: — Bills enacted, and laid before governor.

Relating to the assessment and collection of taxes upon personal property held in trust.

Relative to the pollution of rivers, streams and ponds used as sources of water-supply; and

Concerning the settlement of paupers.

In relation to the management of the Hoosac Tunnel and the Troy and Greenfield Railroad.

To establish a fire district in the town of Lee, and for the dissolution of the existing fire district.

To authorize the collection of interest on district taxes.

Relative to the rebuilding and improvement of stables in the city of Boston.

Relating to State contracts and expenditures.

In relation to embezzlement by town, city and county officers.

Relating to recognizances and bonds in municipal and district courts.

An engrossed resolve concerning the lands of the Commonwealth in Charles River, (which originated in the Senate,) passed, and, with the above-named bills, was laid before the Governor for his approval. Charles River.

On motion of Mr. Flatley,

Ordered, That the committee on Prisons consider the expediency of prohibiting by statute, with suitable penalties, the use of the gag as a means of punishment in the penal and charitable institutions of the Commonwealth. Use of gag in penal and charitable institutions.

The resolve relating to the reformatory prison for

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Reformatory Prison for Women.

women was taken from the table; and the Senate insisted on its amendment therein, and Messrs. Truell, Knowlton of Worcester, and Flatley were appointed a committee of conference on the disagreeing votes of the two Houses.

Sent down for concurrence.

Savings Banks.

The report on the order relative to exempting so much of the deposits in savings banks as is equal to the amount of real estate owned by them, was taken from the table, and ordered to to be placed last in the orders of the day for to-morrow.

Bills.

The orders of the day were taken up; and the bills,

Concerning trustee process;

To amend chapter 48 of the General Statutes, relating to sewers and drains;

To discontinue a common landing-place in the city of Lynn;

To insure payment of wages earned, and for materials used, in constructing public buildings and public works;

To authorize the grant, to Albert G. Browne, of a certain right of way over land of the Commonwealth in the town of North Adams, were severally read a second time, and ordered to a third reading.

Massachusetts Charitable Mechanic Association.

The bill to authorize the Massachusetts Charitable Mechanic Association to erect a wooden building in the city of Boston was read a second time, amended as proposed by the committee on the Judiciary, and ordered to a third reading.

Pilgrim Society of Plymouth.

The resolve in favor of the Pilgrim Society of Plymouth was read a second time; and the question on ordering the same to a third reading was determined as follows, to wit:—

YEAS. — Messrs.	Barton,	Beal,	Bishop,
	Breed,	Brown,	Burrage,
	Canfield,	Cate,	Coffin,
	Davol,	Day,	Ely,
	Flatley,	Gilbert,	Gogin,
	Gregory,	Hill,	Hodges,
	Knowlton, H. M.,	Knowlton, Wm.,	Lynde,
	Merriam,	Palmer,	Ropes,
	Saunders,	Sherman,	Swett,
	Truell,	White, James,	White, Jonathan,
	Winn. — 31.		

NAYS. — Messrs. Abbott, Ewing. — 2.

So the resolve was ordered to a third reading.

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The bill to re-organize the State Detective Force was read a second time, amended, and ordered to a third reading. State Detective Force.

Subsequently Mr. Truell moved a reconsideration of the vote by which the bill was ordered to a third reading; and the motion was placed in the orders of the day for to-morrow.

The House reports,

On the order relative to exempting from taxation so much of the deposits in savings banks as are invested in mortgages; and Savings Banks.

On the petition of Adelia T. Jones, were accepted in concurrence.

The Senate report on the order relative to further legislation to secure a more just and equal taxation was accepted. Taxation.

Sent down for concurrence.

Came up concurred.

The House bill to authorize the Vermont and Massachusetts Railroad Company to sell that part of its railroad known as the "Brattleborough Branch" was read a third time, and passed to be engrossed in concurrence. Vermont and Massachusetts Railroad Company.

The House bill relative to tender and offer of judgment in land damage and lien cases was read a third time as heretofore amended, and passed to be engrossed in concurrence. Land damage cases.

The bill to regulate the sale of intoxicating liquors by druggists and apothecaries was read a third time; Intoxicating liquors.

Mr. White of Plymouth proposed an amendment thereto; pending the consideration of which, the Senate

Adjourned.

THURSDAY, April 25, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr Russell, from the committee on the Judiciary, on the bill in relation to the venue of actions for the collection of taxes in the city of Boston; and Boston.

Mr. Merriam, from the same committee, on the bill to revise the charter of the city of Fall River, reported that said bills severally ought to pass. Fall River.

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Real estate.

The same Senator, from the same committee, on the bill relating to the sale of real estate taken for taxes, reported that the same ought to pass with certain amendments; and these bills were severally ordered to a second reading.

Property and persons exempted from taxation.

Mr. Coffin, from the committee of conference on the subject-matter of difference between the two Houses, in relation to an amendment proposed in the Senate to the bill "to amend section 5 of chapter 11 of the General Statutes, relative to property and persons exempted from taxation," reported that the Senate should recede from its amendment, and that the words "under the age of eighteen" be stricken from the bill; and the report was accepted.

Sent down for concurrence.

Came up concurred.

Southern Vermont Railroad and Troy and Greenfield Railroad.

Mr. Winn, from the committee on the Hoosac Tunnel and the Troy and Greenfield Railroad, (on the petition of the Boston, Hoosac Tunnel, and Western Railroad Company,) reported a bill relative to the Southern Vermont Railroad, and certain railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad; and the same was read and ordered to a second reading.

Records of caveats.

Mr. Brown, from the committee on the Judiciary, on the order relative to the recording of caveats in registries of deeds, reported that it is inexpedient to legislate thereon; and

Claims against the Commonwealth.

Mr. Russell, from the same committee, on the order relative to the creation of a tribunal to adjust claims against the Commonwealth, reported that the further consideration thereof be referred to the next General Court; and these reports were read and placed in the orders of the day for to-morrow.

On motion of Mr. White of Plymouth, under a suspension of the 20th joint rule,

Fraudulent issue of paper by officers of corporations.

Ordered, That the committee on the Judiciary inquire whether any additional legislation is needed to protect corporations against the fraudulent issue of paper, or over-issue of the same, by officers and agents.

Adams and Florida.

The report on the order in relation to the sale of real estate in the towns of Adams and Florida was taken from the table and placed in the orders of the day for to-morrow.

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Papers from the House.

A bill to abolish the second and third district courts of Plymouth, and to establish a new district court in said county, (being a substitute for the Senate bill relative to the subject,) was read and referred to the committee on the Judiciary. District courts in Plymouth County.

A bill authorizing an increase in the number of assistant watchmen employed at the State prison, (being a new draft of the Senate bill relative to the subject); State Prison.

A resolve providing for the expense of enforcing the provisions of law in relation to Green-Harbor Marsh, in Marshfield, (on an order in relation to the subject,) were read, and referred to the committee on the Treasury.

The bill concerning the fencing of railroads came up non-concurred in the reference thereof to the committee on Railroads; and the Senate receded from its vote of reference, and the bill was ordered to be placed in the orders of the day for Monday next. Railroads.

The Senate bill concerning the amount of capital stock required before a railroad corporation can commence the construction of its road, came up concurred with an amendment which was rejected by the Senate. Railroad corporations.

The Senate bill relating to trustees and trust-estates came up concurred, with certain amendments; and the Senate non-concurred therein. Trustees and Trust Estates.

And these bills were returned to the House.

The Senate bill to amend section 1 of chapter 331 of the Acts of the year 1870, relating to hawkers and peddlers, came up, and the House insists on its amendments therein. Thereupon the Senate insisted on its non-concurrence in the same; and Messrs. Sherman, Merriam and Flatley were appointed a committee of Conference on the subject-matter of difference between the two Houses. Hawkers and peddlers.

Reports of the committee on Military Affairs, granting leave to withdraw, on the petitions of Reports.

William Whiting and others,

The New-England Guard of the city of Boston, and

K. M. Gilmore and others, were severally read and placed in the orders of the day for to-morrow.

Ordered, In concurrence, that the committee on Agriculture inquire to whom the twenty-five hundred copies of Flint's Agricultural Report of the year 1877, placed for Sale of Agricultural Reports.

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sale in charge of the Secretary of the Commonwealth, have been sold.

Dogs. Notice was received from the House that the bill to further provide for the licensing and restraining of dogs, and for the recovery of damages for injuries inflicted by them, had been rejected by that branch.

Innholders. Mr. Brown, from the committee on the Judiciary, on an order in relation to the subject, reported a bill to amend chapter 88 of the General Statutes, relative to innholders and common victuallers; and the same was read and ordered to a second reading.

Inspector of gas, &c. The orders of the day were taken up; and the bill relating to the expenses of the office of inspector of gas-meters and illuminating gas; and

Old South Association. The resolve in favor of the Old-South Association in Boston, were severally read a second time and ordered to a third reading.

Sewers and drains. The Senate bill to amend chapter 48 of the General Statutes, relating to sewers and drains, was read a third time and passed to be engrossed.

Sent down for concurrence.

Connecticut and Merrimack Rivers. The Senate bill to amend section 3 of chapter 144 of the Acts of 1874, relative to fishing in the Connecticut and Merrimack Rivers, was read a third time and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

The House bills,

Bills. To discontinue a common landing-place in the city of Lynn;

To insure payment of wages earned, and for materials used, in constructing public buildings and public works;

To authorize the grant, to Albert G. Browne, of a certain right of way over land of the Commonwealth in the town of North Adams, were severally read a third time, and passed to be engrossed in concurrence.

Massachusetts Charitable Mechanic Association. The House bill to authorize the Massachusetts Charitable Mechanic Association to erect a wooden building in the city of Boston, was read a third time as heretofore amended, and passed to be engrossed in concurrence with the amendment which was

Sent down for concurrence.

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The report on the order in relation to the removal of the bust of the late Hon. Henry Wilson from the Library to Doric Hall was accepted. Bust of Henry Wilson.

Sent down for concurrence.

Came up concurred.

Pursuant to assignment the Senate proceeded to the consideration of the bill relating to State charitable and reformatory institutions, the question being on certain amendments proposed therein by Mr. Ely; and the same were amended and adopted; and the question then recurring on ordering the bill to be engrossed as amended, it was taken by yeas and nays as follows, to wit: — State charitable and reformatory institutions.

YEAS. — Messrs.	Adams,	Bishop,	Breed,
	Burrage,	Ely,	Flatley,
	Gardner,	Gilbert,	Hayes,
	Knowlton, Wm.,	Lynde,	Palmer,
	Truell,	White, Jonathan. — 14.	
NAYS. — Messrs.	Abbott,	Barton,	Beal,
	Brown,	Canfield,	Gogin,
	Hill,	Hodges,	Holmes,
	Knowlton, H. M.,	Merriam,	Ropes. — 12.

So the bill passed to be engrossed in concurrence with the amendments.

The motion to reconsider the vote by which the bill to re-organize the State Detective Force was ordered to a third reading, was considered. State Detective Force.

A motion was made to assign the consideration of the motion for to-morrow at half-past two o'clock, P.M.; but, before any action was had on the latter motion, the Senate

Adjourned.

FRIDAY, April 26, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. White of Plymouth, from the committee on Probate and Chancery (on the petition of Mrs. Nathaniel M. Horton and Mrs. Isaac B. Little and others), reported a bill to confirm the deed of Eben F. Stone as guardian of Nathaniel P. Smith, an insane person. Eben F. Stone.

Mr. Brown, from the committee on the Judiciary, on the order relative to fees at courts of inquest, reported a bill concerning fees of special and trial justices in in- Fees of special and trial justices.

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quests; and these bills were severally read and ordered to a second reading.

Mr. White of Plymouth, from the committee on Probate and Chancery, on the orders relative to

Reports. The distribution of insolvent estates;

To further legislation in favor of widows; and

Mr. Brown, from the committee on the Judiciary, on the orders relative to

The rights of purchasers of real estate under power of sale mortgages;

Actions against persons carrying on business of forwarders and carriers;

Inferences of fact in actions at law, reported on the orders severally that it is inexpedient to legislate thereon; and these reports were severally read and placed in the orders of the day for to-morrow.

State Primary School at Monson. Mr. Flatley, from the committee on the Treasury, reported the resolve in favor of the State Primary School, without amendment; and the same was read and ordered to a second reading.

Papers from the House.

Springfield, Athol, and North-eastern Railroad. A bill to authorize the purchasers of the franchise of the Springfield, Athol, and North-eastern Railroad to organize a corporation, and operate the road (on the petition of Leonard Clarke), was read and ordered to a second reading.

Salaries paid, &c. A communication from the Auditor, transmitting a statement, in compliance with sundry orders of the House, of the salaries paid from the treasury in the years 1860, 1867, and 1877, and of additional compensation to salaried persons for extra services, and of compensation paid to those not in receipt of salaries for personal services rendered since 1870, was referred to the committee on Expenditures in concurrence.

Militia. Mr. Winn, from the committee on Military Affairs, on the Governor's address, and the annual report of the Adjutant-General, and the order relative to the re-organization of the militia, reducing its expenses and promoting its efficiency, reported a bill to provide for the enrolment of the militia, for the organization of the volunteer militia, and for the public defence; and the same was read, and ordered to a second reading.

The following engrossed bills, (the first five of which

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originated in the Senate,) were passed to be enacted, and were laid before the Governor for his approval, to wit: — Bills enacted, and laid before governor.

Relative to placing on probation persons accused or convicted of crimes and misdemeanors in the county of Suffolk.

Concerning the support of married women who are insane.

To abate a nuisance in the city of Boston, and for the preservation of the public health in said city.

To authorize the Land Commissioners to convey certain lands in the city of Boston.

Relating to the proof of foreign wills.

For the protection of the dike across East-Harbor Creek, Truro.

Authorizing the Board of Education to make certain expenditures in connection with the Paris Exposition.

Limiting the time within which executors or administrators may be cited to take upon themselves the prosecution or defence of actions.

Mr. Gregory, from the committee on Agriculture, on the order relative to the subject, reported a bill concerning commercial fertilizers; and the same was read and referred to the committee on the Treasury. Commercial Fertilizers.

Papers from the House.

The bill concerning the amount of capital stock required before a railroad corporation can commence the construction of its road came up and the "House recedes from its amendment." Railroad corporations.

A bill to better secure the rights of married women was read and referred to the committee on the Judiciary. Married women.

The Senate bill relating to trustees and trust-estates came up; and the House insists on its amendment, and Messrs. Pillsbury, C. H. Hill and Walsh, all of Boston, are appointed a committee of Conference on the subject-matter of difference between the two Houses. Trustees and trust estates.

Thereupon the Senate insisted on its non-concurrence; and Messrs. Merriam, Russell and White of Plymouth were appointed a committee of Conference on the part of the Senate.

Resolves,

To provide for the repairs of buildings at the State camp-ground at Framingham, and at the arsenal-grounds at Cambridge; Resolves.

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To provide for the purchase of knapsacks for issue to the militia;

To provide for the erection of a fence at the State camp-ground at Framingham, were severally read and referred to the committee on the Treasury.

Troy and Greenfield Railroad and Hoosac Tunnel.

A bill requiring certain reports and estimates of expense from the manager of the Troy and Greenfield Railroad and Hoosac Tunnel (on the Governor's address); and

State Prison.

A resolve in relation to the new State prison at Concord (on estimates of inspectors), were severally read, and ordered to a second reading.

Bills.

The orders of the day were taken up; and the bills,

To amend an Act relating to elections;

In addition to an Act concerning the care and education of neglected children;

To amend chapter 88 of the General Statutes, relative to innholders and common victuallers;

To revise the charter of the city of Fall River, were severally read a second time and ordered to a third reading.

Southern Vermont Railroad and Troy and Greenfield Railroad.

The bill relative to the Southern Vermont Railroad, and certain railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad, was referred to the committee on the Treasury.

Inspector of gas, &c.

The House bill relating to the expenses of the office of inspector of gas-meters and illuminating gas was read a third time, and passed to be engrossed in concurrence.

Reports.

The House reports on the petitions of

K. M. Gilmore and others,

William Whiting and others, and

The New-England Guard of Boston, were accepted in concurrence.

The Senate report on the order relative to the recording of caveats in registries of deeds was accepted.

The Senate report on the order relative to the sale of certain lands of the Commonwealth in the towns of Adams and Florida was accepted.

Sent down for concurrence.

Came up concurred.

State Detective Force.

The Senate resumed the consideration of the unfinished business of yesterday, viz.: "Motion to reconsider the vote by which the bill to re-organize the State Detective Force was ordered to a third reading;" the question being on assigning the further consideration thereof for

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half-past two o'clock, P.M., this day, and the vote being taken thereon, it was carried in the negative. The question being then taken on the motion to reconsider, it was determined as follows, to wit: —

YEAS. — Messrs.	Abbott,	Adams,	Barton,
	Bishop,	Burrage,	Davol,
	Ely,	Flatley,	Gogin,
	Holmes,	Knowlton, Wm.,	Palmer,
	Rogers,	Ropes,	Russell,
	Saunders,	Sherman,	Swett,
	Truell. — 19.		
NAYS. — Messrs.	Beal,	Breed,	Brown,
	Canfield,	Cate,	Ewing,
	Gardner,	Gilbert,	Gregory,
	Hayes,	Hill,	Hodges,
	Knowlton, H.M.,	Lynde,	Merriam,
	White, James,	White, Jonathan. — 17.	

So the vote was reconsidered; and the bill was then amended, and again ordered to a third reading.

Intoxicating liquors.

The Senate resumed the consideration of the unfinished business of Wednesday, viz.: "Bill to regulate the sale of intoxicating liquors by druggists and apothecaries;" and the amendment proposed by Mr. White of Plymouth was withdrawn, and the bill was then amended on motion of Mr. Merriam, and passed to be engrossed in concurrence with the amendments, which were

Sent down for concurrence.

Police department of Boston.

The bill in relation to the police department of the city of Boston was read a third time.

Mr. Flatley proposed an amendment providing for the submission of the acceptance of the provisions of the bill to a vote of the people of the city of Boston; and the question on the adoption of the amendment was taken by yeas and nays as follows, to wit: —

YEAS. — Messrs.	Adams,	Barton,	Beal,
	Brown,	Canfield,	Ely,
	Ewing,	Flatley,	Gardner,
	Gregory,	Hodges,	Russell,
	Sherman,	Truell,	Winn. — 15.
NAYS. — Messrs.	Bishop,	Breed,	Burrage,
	Davol,	Gilbert,	Gogin,
	Hayes,	Hill,	Holmes,
	Merriam,	Palmer,	Ropes,
	White, James,	White, Jonathan. — 14.	

The President voting in the negative, the amendment was rejected.

Mr. Ewing proposed an amendment to the bill providing

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that the acceptance of the Act should be submitted to a vote of the city council of the city of Boston; and the question on the adoption of this amendment was determined as follows, to wit: —

YEAS. — Messrs.	Adams,	Beal,	Brown,
	Canfield,	Ely,	Ewing,
	Flatley,	Gardner,	Hodges,
	Ropes,	Russell,	Sherman,
	Truell,	Winn. — 14.	
NAYS. — Messrs.	Barton,	Bishop,	Breed,
	Burrage,	Davol,	Gilbert,
	Gogin,	Gregory,	Hayes,
	Hill,	Holmes,	Merriam,
	Palmer,	White, James,	White, Jonathan. — 15.

So the amendment was rejected. The question then recurring on ordering the bill to be engrossed, it was taken by yeas and nays as follows, to wit: —

YEAS. — Messrs.	Adams,	Bishop,	Breed,
	Burrage,	Davol,	Gilbert,
	Gogin,	Gregory,	Hayes,
	Hill,	Holmes,	Merriam,
	Palmer,	Ropes,	Sherman,
	White, James,	White, Jonathan. — 17.	
NAYS. — Messrs.	Barton,	Beal,	Brown,
	Ewing,	Flatley,	Gardner,
	Hodges,	Russell,	Truell,
	Winn. — 10.		

So the bill passed to be engrossed.

Sent down for concurrence.

Came up concurred.

State charitable and reformatory institutions.

Mr. Davol moved a reconsideration of the vote whereby the bill relating to State charitable and reformatory institutions passed to be engrossed; and the motion was ordered to be placed in the orders of the day for Tuesday next.

Service of copies of appeals in certain cases.

Mr. Gardner, from the committee on Probate and Chancery, on the order relative to the service of attested copies of reasons of appeal in cases made to the Supreme Judicial Court, reported that it is inexpedient to legislate thereon; and the report was read and placed in the orders of the day for to-morrow.

Adjourned.

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MONDAY, April 29, 1878.

Met according to adjournment.

The journal of Friday was read.

Mr. Russell from the committee on the Judiciary, to whom was referred the bill to extend the law enabling the courts to report questions of law for the determination of the supreme judicial court, reported the same in a new draft; and it was read and ordered to a second reading. Questions of law.

Mr. Abbott, from the committee on Probate and Chancery, on the bill relating to payments for burial purposes from the estates of deceased persons; and Burial purposes.

Mr. Adams, from the committee on the Treasury, on the bill authorizing an increase in the number of assistant watchmen at the State Prison, reported that these bills severally ought to pass; and they were ordered to a second reading. State Prison.

Mr. Truell, from the committee on Prisons, on the annual report of the commissioners on the new State prison, and on the annual report of the inspectors of the State prison, reported that no further legislation is necessary thereon; and the reports were severally accepted. Ibid.

Sent down for concurrence.

Paper from the House.

Ordered, in concurrence, under a suspension of the 20th joint rule, That the committee on Military affairs consider what legislation, if any, is necessary for the relief of the disabled soldiers and sailors of the Commonwealth who are now inmates of our public charitable institutions. Soldiers and sailors.

The following engrossed bills (the first of which originated in the Senate) passed to be enacted, and were laid before the governor for his approval, to wit: —

Concerning street-railway corporations.

To preserve the eel-fisheries in Ipswich River and its tributaries in the town of Ipswich. Bills enacted, and laid before governor.

To regulate the transaction of the business of insurance in this Commonwealth.

Mr. Sherman, from the committee of conference, on the subject matter of difference between the two Houses in relation to an amendment proposed by the House to the bill to amend section 1 of chapter 331 of the acts of the Hawkers and peddlers.

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year 1870, relating to hawkers and peddlers, reported that the committee had agreed that the Senate should concur in the amendment proposed as a new section, with an amendment striking out the words, "for mechanical purposes," and inserting in place thereof the words "in making boots and shoes." Also that the Senate concur in the amendment in the title striking out all except the words, "relating to hawkers and peddlers."

And the report was accepted.

Sent down for concurrence.

Came up concurred.

Constitution.

Mr. Merriam, from the committee on the Judiciary, to whom was referred the resolve providing for an amendment to the Constitution, to prohibit the alienation of the

Troy and Greenfield Railroad and Hoosac Tunnel.

title of the Commonwealth in the Troy and Greenfield Railroad and Hoosac Tunnel, reported said article of amendment with an amendment; and the resolve was ordered to a second reading and specially assigned for consideration on Wednesday next at 2½ o'clock, P.M.

The orders of the day were taken up, and undebatable matters being first acted on, the bills,

Bills.

In relation to the venue of actions for the collection of taxes in the city of Boston;

To provide for the enrolment of the militia, for the organization of the volunteer militia, and for the public defence;

To authorize the purchasers of the franchise of the Springfield, Athol, and North-eastern Railroad to organize a corporation, and operate the road;

Requiring certain reports and estimates of expense from the manager of the Troy and Greenfield Railroad and Hoosac Tunnel; and

State Primary School at Monson.

The resolve in favor of the State Primary School at Monson, were severally read a second time and ordered to a third reading.

State Prison.

The resolve in relation to the new State Prison at Concord, was read a second time and referred to the committee on the Treasury.

Innholders.

The Senate bill to amend chapter 88 of the General Statutes, relative to inn-holders and common victuallers, was read a third time and passed to be engrossed.

Sent down for concurrence.

The House bills,

In addition to an Act concerning the care and education

Bills.

of neglected children;

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To revise the charter of the city of Fall River, were severally read a third time and passed to be engrossed in concurrence.

The reports of the committee on the Judiciary, on the orders relative to,

Inferences of fact in actions at law;

Actions against persons carrying on business of forwarders and carriers; Reports.

Rights of purchasers of real estate under power-of-sale mortgages; and

Of the committee on Probate and Chancery, on the orders relative to,

Further legislation in favor of widows;

The distribution of insolvent estates;

The service of attested copies of the reasons of appeal in cases of appeal in probate courts, were severally accepted.

The bill relating to the exemption of dwelling-houses from taxation was further considered, and the substitute proposed therefor by Mr. Coffin was adopted, read and ordered to a second reading. Dwelling-houses.

Subsequently, under a suspension of the rule, the bill was referred to the committee on the Treasury.

The report of the committee on Taxation, on the order relative to exempting from taxation deposits in savings banks to the amount of real estate owned by them, was considered, the question being on a substitute proposed therefor by Mr. Holmes. Savings Banks.

Mr. Coffin rose to a point of order, which, being stated, was that it is not competent for the Senate to originate such a bill, it being a bill in relation to the taxation of deposits in savings banks.

The chair ruled that the point of order was well taken, and that it is the exclusive right of the House to originate all bills relating to taxation.

Thereupon, the bill was recommitted.

The bill for the exemption from taxation of deposits in savings banks invested in United-States securities was recommitted to the committee on Banks and Banking. Ibid.

The bill relating to registration and elections in the city of Boston was read a second time, amended and ordered to a third reading. Boston.

The resolve in favor of the Old South Association in Boston was read a second time and ordered to a third reading. Old South Association.

The orders of the day were laid on the table.

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Police department of Boston.

Mr. Flatley moved a reconsideration of the vote by which the bill in relation to the police department of the city of Boston passed to be engrossed; and the question on this motion was taken by yeas and nays, as follows, to wit: —

YEAS. — Messrs.	Abbott,	Adams,	Barton,
	Beal,	Bishop,	Brown,
	Flatley,	Gardner,	Hodges,
	Knowlton, W.	Lynde,	Ropes,
	Russell,	Truell,	Winn. — 15.
NAYS. — Messrs.	Breed,	Burrage,	Coffin,
	Day,	Gilbert,	Gogin,
	Gregory,	Hayes,	Hill,
	Holmes,	Merriam,	Palmer,
	Swett,	White, James,	White, Jona. — 15

So the Senate refused to reconsider.

Adjournment.

On motion, it was ordered, that when the Senate adjourns, it be to meet at 1 o'clock P.M. on Tuesday.

Adjourned.

TUESDAY, April 30, 1878.

Met according to adjournment.

The journal of yesterday was read.

District courts of Plymouth Co.

Mr. White of Plymouth, from the committee on the Judiciary, to whom was referred the bill to abolish the second and third district courts of Plymouth, and to establish a new district court in said county, reported the same with an amendment, striking out all after the enacting clause, and inserting a substitute for the same; and the bill was ordered to a second reading.

Reformatory prison for women.

Mr. Truell, from the committee on Prisons (on the part of the Senate), to whom was referred the bill to amend an Act entitled "An Act to establish a reformatory prison for women," reported the same with an amendment, striking out all after the enacting clause, and inserting a substitute for the same; and the bill was ordered to a second reading.

Mr. Adams, from the committee on the Treasury, on the bills,

Bills.

Relative to the Southern Vermont Railroad, and certain railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad;

Concerning commercial fertilizers; and

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On the resolves,

Providing for the expense of enforcing the provisions of law in relation to Green-Harbor Marsh in Marshfield; Resolves.

In relation to the new State prison at Concord; and

Mr. Flatley, from the same committee, on the resolves,

To provide for the repairs of buildings at the State camp-ground at Framingham, and at the arsenal-grounds at Cambridge; Ibid.

To provide for the erection of a fence at the State camp-ground at Framingham;

To provide for the purchase of knapsacks for issue to the militia, severally reported that the bills and resolves ought to pass; and they were ordered to a second reading.

Mr. Adams, from the same committee, on the resolve in favor of Amaziah Mayo and George G. Baker, reported the same in a new draft, under the title of "Resolve authorizing the Governor and Council to make a settlement with Amaziah Mayo and George G. Baker, contractors for building the reformatory prison for women;" and the same was read and ordered to a second reading. Amaziah Mayo et al.

Mr. Flatley, from the committee on Prisons, on the order relative to the use of the *gag* as a means of punishment in the penal and charitable institutions, reported asking to be discharged from the further consideration thereof, and that the same be referred to the committee on the Judiciary; and the report was accepted, and so much thereof as discharges the committee Use of the *gag* as means of punishment in penal and charitable institutions.

Sent down for concurrence.

Came up concurred.

Papers from the House.

A bill to authorize the town of West Springfield to borrow money for certain purposes was read and referred to the committee on the Judiciary. West Springfield.

A report of the committee on Military Affairs in relation to the condition of the State arsenal and camp-ground at South Framingham was accepted in concurrence. State camp-ground and arsenal.

Notice was received from the House that the bills, Bills rejected.

To provide for the recovery of lands unlawfully held after the forclosure of mortgages;

In relation to the redemption of real estate purchased by towns and cities for non-payment of taxes, had severally been rejected by that branch.

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Bills enacted, and laid before governor.

The following engrossed bills (the first three of which originated in the Senate,) passed to be enacted, and were laid before the Governor for his approval, to wit: —

Relative to tender and offer of judgment in land damage and lien cases.

To change the name of the first Baptist Society of Brighton, and confirm the doings thereof.

To confirm the location of the Troy and Greenfield Railroad in the county of Franklin.

To regulate the sale of intoxicating liquors by druggists and apothecaries.

To insure payment of wages earned, and for materials used, in constructing public buildings and public works.

In relation to the transportation of intoxicating liquors in violation of law.

Creating a lien upon horses and other domestic animals for the expenses of their care and keeping.

To discontinue a common landing-place in the city of Lynn.

To amend section 5 of chapter 11 of the General Statutes, relative to property and persons exempted from taxation.

To authorize the Vermont and Massachusetts Railroad Company to sell that part of its railroad known as the "Brattleborough Branch."

General condition of prisons.

Mr. Truell, from the committee on Prisons, submitted a report on the general condition of the prisons of the Commonwealth; and the same was placed in the orders of the day for to-morrow, and ordered to be printed.

Paper from the House.

Close of session.

Ordered, In concurrence, that Messrs. Pillsbury of Boston, Wade of Newton, and Marsh of Quincy, of the House, and Messrs. Hayes, Gilbert, and Abbott, of the Senate, be a committee to consider when the present session of the General Court can be prorogued.

The orders of the day were taken up; and the bills,

Bills.

To confirm the deed of Eben F. Stone as guardian of Nathaniel P. Smith, an insane person;

To extend the law enabling the courts to report questions of law for the determination of the Supreme Judicial Court;

Relating to payments for burial purposes from the estates of deceased persons;

Authorizing an increase in the number of assistant

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watchmen at the State prison, were severally read a second time, and ordered to a third reading.

The House bills,

In relation to the venue of actions for the collection of taxes in the city of Boston; Ibid.

Requiring certain reports and estimates of expense from the manager of the Troy and Greenfield Railroad and Hoosac Tunnel; and

The House resolves,

In favor of the Old-South Association in Boston; Resolves.

In favor of the State Primary School at Monson, were severally read a third time and ordered to be engrossed in concurrence.

The bill to authorize the purchasers of the franchise of the Springfield, Athol, and North-eastern Railroad to organize a corporation, and operate the road, was read a third time, amended in the ninth line of section one by striking therefrom the word "Athol," and passed to be engrossed in concurrence with the amendment, which was Springfield, Athol and Northeastern Railroad.

Sent down for concurrence.

Came up concurred.

The bill relating to registration and elections in the city of Boston was read a third time, and amended; Mr. Flatley proposed certain other amendments therein; and the subject was passed over, and the amendments ordered to be printed. Boston.

The bill concerning trustee processs was read a third time; Mr. Bishop proposed a substitute therefor which was read; and the subject was passed over, and the substitute ordered to be printed. Trustee process.

The House resolve in favor of the Pilgrim Society of Plymouth was read a third time and passed to be engrossed in concurrence. Pilgrim Society of Plymouth.

The bill relating to the sale of real estate taken for taxes was read a second time; and the question being on an amendment proposed therein by the committee on the Judiciary, Mr. Coffin proposed a substitute therefor, which was adopted; and the bill, as amended, was ordered to a third reading. Sale of real estate for taxes.

The report on the order relative to the establishment of a tribunal for the adjustment of claims against the Commonwealth was accepted. Claims against the Commonwealth.

The bill concerning fees of special and trial justices in Fees in inquests.

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inquests, was read a second time, and ordered to a third reading.

State Detective Force. The Senate bill to re-organize the State Detective Force was read a third time, amended, and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Elections. The bill to amend an Act relating to elections was read a third time; Mr. Merriam proposed a substitute therefor, which was ordered to be printed; and the bill was passed over.

Railroads. The bill concerning the fencing of railroads was passed over.

State charitable and reformatory institutions. The motion to reconsider the vote whereby the bill relating to State charitable and reformatory institutions was passed to be engrossed, was considered, and carried in the affirmative; and the question then recurring on passing said bill to be engrossed, it was determined as follows, to wit: —

YEAS. — Messrs.	Adams,	Bishop,	Breed,
	Burrage,	Cate,	Day,
	Ely,	Flatley,	Gardner,
	Gilbert,	Hayes,	Knowlton, Wm.,
	Lynde,	Russell,	Saunders,
	White, James,	White, Jonathan. — 17.	
NAYS. — Messrs.	Abbott,	Barton,	Beal,
	Brown,	Canfield,	Coffin,
	Davol,	Ewing,	Gogin,
	Gregory,	Hill,	Hodges,
	Holmes,	Merriam,	Rogers,
	Ropes,	Truell. — 17.	

The President voting in the affirmative, the bill again passed to be engrossed in concurrence; and the amendments made therein were

Sent down for concurrence.

Adjournment. On motion, it was ordered, that, when the Senate adjourns, it be to meet to-morrow at eleven o'clock, A.M.

Adjourned.

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WEDNESDAY, May 1, 1878.

Met according to adjournment.

The journal of yesterday was read.

Papers from the House.

Bills,

Relating to the distribution of the annual income of the school fund, and to provide for reports by school committees, (on the order in relation to the attendance of children at school); Bills.

In addition to an Act relating to the employment of children, and regulations respecting them, (substituted in the House for the Senate report on the several orders in relation to the subject, and the petition of the city of Salem,) were severally read and ordered to a second reading.

The bill to establish the Commonwealth's Flats Improvement Fund (on the annual report of the Land Commissioners,) was read and referred to the committee on the Treasury. Commonwealth's Flats Improvement Fund.

The Senate bill to amend chapter 11 of the General Statutes, relating to the real estate of literary, benevolent, charitable, and scientific institutions, came up concurred with an amendment which was adopted in concurrence. Literary and other institutions.

A report of the committee on Labor that it is inexpedient to legislate on the order relative to amendment of the Act of 1877, relative to the inspection of factories, was read and placed in the orders of the day for to-morrow. Inspection of factories.

Ordered, In concurrence, that the 3d joint rule be suspended to enable the committee on Banks and Banking to report in the House a bill recommitted in the Senate. Third Joint Rule.

Petitions of
Daniel Donovan and others,
H. A. King and others,
H. G. Herrick and others,
Jonathan H. Nichols and others, and
C. A. Yeaton and others, severally, that the Lowell and Lawrence Railroad Company may be authorized to extend its road in the city of Lawrence, were referred, in concurrence, to the committee on Railroads. Lowell and Lawrence Railroad Company.

The orders of the day were taken up; and the bill to provide for the enrolment of the militia, for the organi- Militia.

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zation of the volunteer militia, and for the public defence, was read a third time and passed to be engrossed.

Sent down for concurrence.

The resolves,

Resolves.

Providing for the expense of enforcing the provisions of law in relation to Green-Harbor Marsh in Marshfield;

To provide for the erection of a fence at the State camp-ground at Framingham;

To provide for the purchase of knapsacks for issue to the militia;

To provide for the repairs of buildings at the State camp-ground at Framingham, and at the arsenal-grounds at Cambridge, were severally read a second time and ordered to a third reading.

State Prison.

The resolve in relation to the new State prison at Concord was ordered to a third reading.

Southern Vermont Railroad and Troy and Greenfield Railroad.

The bill relative to the Southern Vermont Railroad, and certain railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad, was passed over.

Commercial Fertilizers.

The bill concerning commercial fertilizers was ordered to be considered in the afternoon session.

District courts in Plymouth.

The bill to abolish the second and third district courts of Plymouth, and to establish a new district court in said county, was read a second time; the amendment proposed by the committee on the Judiciary was adopted, and the bill was ordered to a third reading.

Sale of real estate taken for taxes.

The House bill relating to the sale of real estate taken for taxes was read a third time as heretofore amended, and passed to be engrossed in concurrence with the amendment which was

Sent down for concurrence.

Came up concurred.

Eben F. Stone, guardian.

The Senate bill to confirm the deed of Eben F. Stone as guardian of Nathaniel P. Smith, an insane person, was read a third time and passed to be engrossed.

Sent down for concurrence.

Fees at inquests.

The Senate bill concerning fees of special and trial justices in inquests was read a third time and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

Payments for burial purposes.

The House bill relating to payments for burial purposes from the estates of deceased persons was read a third time and passed to be engrossed in concurrence.

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The House bill relating to registration and elections in the city of Boston was read a third time as heretofore amended. The amendments proposed thereto by Mr. Flatley were withdrawn; and the bill was passed to be engrossed in concurrence with the amendments which were Boston.

Sent down for concurrence.

Came up concurred.

The resolve authorizing the Governor and Council to make a settlement with Amaziah Mayo and George G. Baker, contractors for building the reformatory prison for women, was read a second time; but, before any action was had thereon, the Senate took a recess until two o'clock, P.M.; Amaziah Mayo et al.

And at that hour re-assembled; and the orders of the day were laid on the table.

Mr. Merriam, from the committee on the Judiciary, on the bill in addition to an Act to incorporate the town of Mashpee, reported that the same ought to pass with an amendment; and it was placed in the orders of the day for to-morrow. Mashpee.

Paper from the House.

A bill in relation to the collection of taxes was read, and referred to the committee on the Judiciary. Collection of taxes.

The following engrossed bills, (the first two of which originated in the Senate,) passed to be enacted, and were laid before the Governor for his approval, to wit: — Bills enacted. and laid before governor.

To amend the Act to supply the town of Holyoke with pure water.

Concerning the amount of capital stock required before a railroad corporation can commence the construction of its road.

Relating to the expenses of the office of inspector of gas-meters, and of illuminating gas.

To authorize the Massachusetts Charitable Mechanic Association to erect a wooden building in the city of Boston.

To authorize the grant, to Albert G. Browne, of a certain right of way over land of the Commonwealth in the town of North Adams.

The orders of the day were taken from the table; and the Senate resumed the consideration of the resolve authorizing the Governor and Council to make a settlement with Amaziah Mayo and George G. Baker, contractors for Amaziah Mayo et al.

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building the reformatory prison for women. Mr. Hill proposed as a substitute therefor the House resolve in favor of Amaziah Mayo and George G. Baker; and the question being taken on the adoption of the substitute, it was carried in the negative; and the former resolve was then ordered to a third reading.

Reformatory prison for women.

The bill to amend an Act entitled "An Act to establish a reformatory prison for women" was considered, the amendment proposed therein by the special committee on the subject, adopted, and the bill, as amended, ordered to a third reading.

Bills.

The bills,

Concerning trustee process;

To amend an Act relating to elections, were severally passed over.

Questions of law.

The Senate bill to extend the law enabling the courts to report questions of law for the determination of the Supreme Judicial Court was read a third time and passed to be engrossed.

Sent down for concurrence.

Came up concurred.

State Prison.

The bill authorizing an increase in the number of assistant watchmen at the State prison was read a third time. On motion of Mr. Flatley, a "bill authorizing an increase in the number of assistant guards employed at the State prison" was substituted, read three times under a suspension of the rule, and passed to be engrossed.

Sent down for concurrence.

Railroads.

A bill concerning the fencing of railroads was referred to the next General Court.

Constitution.

Troy and Greenfield Railroad, &c.

On motion of Mr. Winn, the resolve providing for an amendment to the Constitution, to prohibit the alienation of the title of the Commonwealth in the Troy and Greenfield Railroad and Hoosac Tunnel, specially assigned for consideration at half-past two o'clock, P.M., was ordered to be placed in the orders of the day for to-morrow.

Papers from the House.

Railroad corporations.

A bill in relation to the formation of railroad corporations, (in a new draft,) was read and ordered to a second reading.

Joint-Rule Three.

Ordered, In concurrence, that joint rule No. 3 be sus-

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pended, to enable the committee on Taxation to report in the House, a bill which was recommitted in the Senate.

Notice was received from the House, that the Senate bill to amend chapter 199 of the Acts of the year 1877, relating to the settlement of probate accounts, had been rejected by that branch. Probate accounts.

Adjourned.

THURSDAY, May 2, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Russell, from the committee on the Judiciary, reported the bill to authorize the town of West Springfield to borrow money for certain purposes, without amendment; and the same was ordered to a second reading. West Springfield.

The same Senator, from the same committee (on the petition of the selectmen of Charlemont and the selectmen of sundry other towns,) reported a bill to limit the amount recoverable for damages or injury caused by defects of highways, townways, causeways or bridges; and the same was read and ordered to a second reading. Injuries on highways, &c.

The orders of the day were taken up, and the bill relating to the distribution of the annual income of the school fund, and to provide for reports by school committees, was read a second time and ordered to a third reading. School fund and school committees.

The Senate bill concerning commercial fertilizers was read a third time and passed to be engrossed. Commercial Fertilizers.

Sent down for concurrence.

The House bill to abolish the second and third district courts of Plymouth, and to establish a new district court in said county, was read a third time as heretofore amended, and passed to be engrossed in concurrence with the amendment which was District courts in Plymouth.

Sent down for concurrence.

The House resolves, Resolves.

To provide for the erection of a fence at the State camp-ground at Framingham;

To provide for the purchase of knapsacks for issue to the militia;

To provide for the repairs of buildings at the State

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camp-ground at Framingham, and at the arsenal-grounds at Cambridge;

In relation to the new State prison at Concord, were severally read a third time and passed to be engrossed in concurrence.

Inspection of factories. The House report on the order relative to the inspection of factories was accepted in concurrence.

Prisons. The report on the general condition of the prisons in the Commonwealth was passed over.

Employment of children. The bill in addition to an Act relating to the employment of children, and regulations respecting them, was read a second time and ordered to a third meeting.

Mashpee. The bill in addition to an Act to incorporate the town of Mashpee was read a second time, amended as proposed by the committee on the Judiciary, and ordered to a third reading.

Constitution. The resolve providing for an amendment to the Constitution, to prohibit the alienation of the title of the Commonwealth in the Troy and Greenfield Railroad and Hoosac Tunnel, was read a second time; and the question then being on an amendment proposed by the committee on the Judiciary, the same was considered; but, before any action was had thereon, the further consideration thereof was assigned for a quarter-past two o'clock, P.M.

Troy and Greenfield Railroad, &c.

The orders of the day were laid on the table.

Commonwealth's Flats Improvement Fund. Mr. Adams, from the committee on the Treasury, reported the bill to establish the Commonwealth's Flats Improvement fund without amendment; and the same was read and ordered to a second reading.

Sewers and drains. The bill to amend chapter 48 of the General Statutes, relating to sewers and drains, came up concurred, with an amendment which was adopted in concurrence.

On motion of Mr. Russell, the Senate adjourned to meet again at two o'clock, P.M.

And at that hour re-assembled.

Brookline. Mr. Merriam, from the committee on the Judiciary, on the bill relating to main drains and common sewers in the town of Brookline, reported that the same ought not to pass; and the bill was placed in the orders of the day for to-morrow on the question of rejection.

Reformatory prison for women. Mr. Truell, from the committee of conference, on the disagreeing votes of the two Houses in relation to an

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amendment proposed by the Senate to the resolve relating to the reformatory prison for women, reported that the committees had agreed that the Senate should recede from its amendment. They also reported a substitute for said resolve, and recommended the adoption thereof.

And the report was accepted.

Sent down for concurrence.

Came up concurred.

On motion of Mr. Merriam,

Ordered, That the order adopted by the Senate, April 24, 1878, requesting the Savings Bank Commissioners to procure and report to the Senate certain information relative to withdrawals of deposits from savings banks, be, and the same is hereby, rescinded.

Withdrawals of deposits from savings banks.

The following engrossed bills, (the first three of which originated in the Senate,) passed to be enacted, and were laid before the Governor for his approval, to wit: —

Bills enacted, and laid before governor.

To further regulate fishing in the Connecticut River.

Relating to hawkers and peddlers.

To amend chapter 11 of the General Statutes, relating to the real estate of literary, benevolent, charitable and scientific institutions.

Permitting the establishment of a fire district in Lenox.

In addition to an Act concerning the care and education of neglected children.

A report of the committee on Railroads, that it is inexpedient to legislate on the order relative to amendment of the Act of 1874, in relation to the payment of land damages in the construction of railroads; and

Payment of land damages in certain cases.

A report of the committee on Military affairs, referring the order in relation to the establishment of a home for disabled soldiers and sailors, (and sundry petitions relative thereto,) to the next General Court, were severally read and placed in the orders of the day for to-morrow.

Home for disabled soldiers and sailors.

The orders of the day were taken from the table; and the bill in relation to the formation of railroad corporations was read a second time and ordered to a third reading.

Railroad corporations.

The House bill to amend an Act entitled "An Act to establish a reformatory prison for women," was read a third time as heretofore amended, and passed to be engrossed in concurrence with the amendment which was

Reformatory prison for women.

Sent down for concurrence.

The Senate resolve authorizing the Governor and Coun-

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Amaziah Mayo et al.

cil to make a settlement with Amaziah Mayo and George G. Baker, contractors for building the reformatory prison for women, was read a third time and passed to be engrossed.

Sent down for concurrence.

Green-Harbor Marsh.

The House resolve providing for the expense of enforcing the provisions of law in relation to Green-Harbor Marsh, in Marshfield, was read a third time and passed to be engrossed in concurrence.

Southern Vermont Railroad and Troy and Greenfield Railroad.

The bill relative to the Southern Vermont Railroad, and certain railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad, was ordered to be placed in the orders of the day for Monday next.

The bill concerning the trustee process was passed over.

Elections.

The bill to amend an Act relating to elections was further considered, and the amendment proposed therein was adopted; and the bill, as amended, passed to be engrossed in concurrence with the amendment which was

Sent down for concurrence.

Came up concurred.

Constitution.

Pursuant to assignment, the Senate proceeded to the consideration of the resolve providing for an amendment to the Constitution, to prohibit the alienation of the title of the Commonwealth in the Troy and Greenfield Railroad and Hoosac Tunnel; and the amendment proposed therein by the committee on the Judiciary was adopted.

Troy and Greenfield and Hoosac Tunnel.

The question then being on ordering the resolve to a third reading, it was taken by yeas and nays as follows, to wit: —

YEAS. — Messrs.	Bishop,	Ely,	Flatley,
	Gogin,	Gregory,	Knowlton, Wm.,
	Palmer,	Sherman,	Swett,
	Winn. — 10.		
NAYS. — Messrs.	Abbott,	Adams,	Barton,
	Beal,	Breed,	Burrage,
	Canfield,	Cate,	Coffin,
	Davol,	Gilbert,	Hayes,
	Hill,	Holmes,	Lynde,
	Merriam,	Rogers,	Ropes,
	Russell,	Truell,	White, Jas. — 21.

So the resolve was refused a third reading.

On motion of Mr. Russell,

Adjournment.

Ordered, That, when the Senate adjourns, it be to meet to-morrow at one o'clock, P.M.

Adjourned.

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FRIDAY, May 3, 1878.

Met according to adjournment.

The journal of yesterday was read.

Fees of officers in certain cases.

Mr. Russell, from the committee on the Judiciary, on the bill regulating the fees of officers in making attachments of personal property, reported that the same ought to pass; and it was placed in the orders of the day for to-morrow, on the question of ordering to a third reading.

Election of selectmen and assessors of towns.

Mr. White of Plymouth, from the same committee, reported the bill in relation to the election of selectmen and assessors of towns, without amendment.

Collection of taxes.

Mr. Merriam, from the same committee, on the bill in relation to the collection of taxes, reported that it ought to pass with certain amendments; and these bills were severally ordered to a second reading.

Married women.

Mr. Merriam, from the same committee, reported the bill to better secure the rights of married women without amendment; and the same was ordered to a second reading.

Mechanics' Savings Bank.

A communication was received from the Receivers of the Mechanics' Savings Bank, transmitting their first annual report; and the same was referred to the committee on Banks and Banking, and ordered to be printed.

Sent down for concurrence in the reference.

Came up concurred.

Papers from the House.

Dwelling-houses.

A report of the committee on Taxation (made in the House under a suspension of joint rule 3,) referring the "bill relating to the exemption of dwelling-houses from taxation," to the next General Court, was read and placed in the orders of the day for to-morrow.

Mashpee.

A resolve providing for the payment of expenses incurred in connection with certain lands in the town of Mashpee was read and referred to the committee on the Treasury.

Subsequently, Mr. Adams, from said committee, reported said resolve without amendment; and it was ordered to a second reading.

Guardians of minors.

The Senate bill relating to the appointment and removal of guardians of minors came up concurred with an amendment which was adopted in concurrence.

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Mr. Hayes, from the committee appointed to consider when the present session may be brought to a close, made a verbal report in relation thereto, to the effect that, in the judgment of the committee, the session may be brought to a close on Thursday next.

Supreme judicial court, — communication from, in regard to "Money Bills."

A communication was received from the justices of the Supreme Judicial Court, in reply to the request of the Senate for their opinion as to the power of the Senate to originate bills or resolves appropriating money from the treasury of the Commonwealth, or bills or resolves in any way involving directly or indirectly the expenditure of money from the treasury, or imposing any burden or charge thereon, asking that they may be furnished with copies of any bills now pending upon which such questions have arisen, as well as with any precedents in the journals or documents of the General Court before or since the adoption of the Constitution of the Commonwealth; and the communication was referred to the committee on the Judiciary.

Resolves passed, and laid before governor.

The following engrossed resolves, (which originated in the House,) passed, and were laid before the Governor for his approval, to wit: —

In favor of the Old-South Association in Boston.

In favor of the Pilgrim Society at Plymouth.

The orders of the day were taken up; and the bills,

Bills.

To authorize the town of West Springfield to borrow money for certain purposes;

To establish the Commonwealth's Flats Improvement Fund, were severally read a second time, and ordered to a third reading.

Injuries caused by defective highways.

The bill to limit the amount recoverable for damages or injury caused by defects of highways, townways, causeways, or bridges, was read a second time, amended, and ordered to a third reading.

The House bills,

Bills.

Relating to the distribution of the annual income of the school fund, and to provide for reports by school committees;

In relation to the formation of railroad corporations, were severally read a third time, and passed to be engrossed in concurrence.

The bill in addition to an Act to incorporate the town of Mashpee was read a third time as heretofore amended,

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and passed to be engrossed in concurrence with the amendment which was

Sent down for concurrence.

Came up concurred.

The bill relating to main drains and common sewers in the town of Brookline was, in accordance with the report of the committee thereon, rejected. Brookline.

The House reports,

On the order and petitions in relation to the establishment of a Soldiers' Home; and Reports.

On the order relative to amending the Act of 1874, to insure payment of land damages for land taken in the construction of railroads, were accepted in concurrence.

The Senate report on the condition of the prisons in the Commonwealth was passed over. Prisons.

The bill in addition to an Act relating to the employment of children, and regulations respecting them, was read a third time, and amended in section one; and, subsequently, the first three sections were stricken out. Children, employment of.

Mr. Burrage proposed an amendment striking out the fourth section of the bill; and the question on this amendment was taken by yeas and nays as follows, to wit: —

Yeas. — Messrs.	Breed,	Burrage,	Gardner,
	Gogin,	Hill,	Knowlton, Wm.,
	Swett,	White, James. — 8.	
Nays. — Messrs.	Abbott,	Adams,	Barton,
	Bishop,	Cate,	Coffin,
	Davol,	Day,	Ely,
	Flatley,	Gregory,	Hayes,
	Holmes,	Knowlton, H.M.,	Palmer,
	Ropes,	Russell,	Saunders,
	Sherman,	Truell,	Winn. — 21.

So the amendment was rejected.

The question then recurring on ordering the bill to be engrossed, it was determined as follows, to wit: —

Yeas. — Messrs.	Abbott,	Adams,	Barton,
	Bishop,	Cate,	Coffin,
	Day,	Ely,	Flatley,
	Gregory,	Holmes,	Knowlton, H. M.,
	Palmer,	Russell,	Saunders,
	Truell,	Winn. — 17.	
Nays. — Messrs.	Breed,	Burrage,	Davol,
	Gardner,	Gogin,	Hayes,
	Hill,	Knowlton, Wm.,	Merriam,
	Ropes,	Sherman,	Swett,
	White, James. — 13.		

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So the bill passed to be engrossed in concurrence with the amendment, which was

Sent down for concurrence.

Trustee process. The bill concerning trustee process was further considered; but, before any action was had thereon, the orders of the day were laid on the table.

Newburyport. Mr. Barton, from the committee of Conference on the disagreeing votes of the two Houses, in relation to an amendment proposed by the Senate to the bill to supply the city of Newburyport with water, reported thereon, recommending that the House concur in said amendment; also that the bill be further amended in section 2 by striking therefrom the words "or Pentucket Pond in Georgetown, or any of its effluents in the towns of Georgetown or Newbury" (twice occurring therein), also the words "ponds, streams, or sources of water supply or," and by substituting in place of the last-named words the words "Kimball's Pond."

And the report was accepted.

Sent down for concurrence.

Came up concurred.

Mr. Coffin, from the committee on the Judiciary, to whom was referred the communication of the justices of the Supreme Judicial Court, reported the following order: —

Precedents in regard to "Money Bills." *Ordered*, That the President, with such as may be joined, be a committee of three to obtain and furnish such documents and precedents as may be found, in compliance with the request of the honorable justices of the Supreme Judicial Court of this date, and that the committee be authorized to employ such assistance for the purpose as they may deem necessary.

And the report was accepted, and the order accordingly adopted.

And Messrs. Gardner and Coffin were joined.

Papers from the House.

Boston and Albany Railroad Company. A bill in relation to the Commonwealth's interest in the capital stock of the Boston and Albany Railroad Company was read and referred, in concurrence, under a suspension of the 20th joint rule, to the committee on Railroads.

Savings Banks. A bill relating to savings banks and the receivers thereof, (on an order in relation to further legislation respecting said banks,) was read and ordered to a second reading.

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A resolve authorizing the Treasurer to borrow money in anticipation of the revenue, was read and referred to the committee on the Treasury. Treasurer.

The bill relating to State charitable and reformatory institutions came up non-concurred in the Senate amendment therein; and the bill was laid on the table. State charitable and reformatory institutions.

On motion, it was ordered, that, when the Senate adjourns, it be to meet on Monday next at two o'clock, P.M. Adjournment.

Mr. Coffin, from the committee on the Judiciary, on an order relative to arrest on mesne process or execution, reported that it is inexpedient to legislate thereon; and the report was read and placed in the orders of the day for to-morrow. Arrest on mesne process.

Adjourned.

MONDAY, May 6, 1878.

Met according to adjournment.

The journal of Friday was read.

The Senate bill to amend chapter 88 of the General Statutes, relative to innholders and common victuallers, came up concurred with an amendment which was adopted in concurrence. Innholders.

Mr. Breed, from the committee on the Treasury, on the resolve authorizing the treasurer to borrow money in anticipation of the revenue; and Treasurer.

Mr. Merriam, from the committee on the Judiciary, on the bill to provide for the keeping of registers of voters in cities and towns, reported that said bills severally ought to pass; and they were ordered to a second reading. Registers of voters.

Mr. Merriam, from the same committee on the bill relating to the apportionment of sewer and sidewalk assessments, reported that said bill ought to pass with certain amendments; and it was ordered to a second reading. Sewer and sidewalk assessments.

Mr. Merriam, from the same committee, on an order in relation to the subject, reported a bill to prevent trespass on land and artificial reservoirs connected with public water-works; and the same was read and ordered to a second reading. Public water-works, etc.

Mr. Russell, from the committee on the Judiciary, on the bill relative to false publications by officers of incorporated companies, reported that said bill ought not to False publications by officers of corporations.

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pass; and it was placed in the orders of the day for to-morrow on the question of rejection.

Power of sale mortgages.

The same Senator, from the same committee, on the order relative to the disposal of the surplus of the proceeds of sales under power of sale mortgages, reported that the further consideration thereof be referred to the next General Court; and the report was read and placed in the orders of the day for to-morrow.

The following engrossed bills (the first two of which originated in the Senate) passed to be enacted, to wit: —

Bills enacted, and laid before governor.

Relating to payments for burial purposes from the estates of deceased persons.

In relation to the venue of actions for the collection of taxes in the city of Boston.

Relating to the sale of real estate taken for taxes.

Requiring certain reports and estimates of expenses from the manager of the Troy and Greenfield Railroad and Hoosac Tunnel.

To authorize the purchasers of the franchise of the Springfield, Athol, and North-eastern Railroad to organize a corporation and operate the road.

An engrossed resolve in favor of the State Primary School at Monson (which originated in the House of Representatives) passed, and, with the above-named bills, was laid before the Governor for his approval.

Trustee process.

The orders of the day were taken up; and the Senate resumed the consideration of the bill concerning trustee process, the question being on the substitute proposed therefor by Mr. Bishop.

The bill was amended; and the question then recurring on the adoption of the substitute, the vote was taken, and carried in the negative. The bill was then ordered to be engrossed.

Sent down for concurrence.

Collection of taxes.

The bill in relation to the collection of taxes was read a second time, amended as proposed by the committee on the Judiciary, further amended, and ordered to a third reading.

Married women.

The bill to better secure the rights of married women was read a second time, amended in the second section by substituting therefor a new section, and passed to be engrossed in concurrence with the amendment, which was

Sent down for concurrence.

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Savings Banks.

The bill relating to savings banks, and the receivers thereof, was read a second time and ordered to a third reading.

Fees of officers in certain cases.

The bill regulating the fees of officers in making attachments of personal property was ordered to a third reading.

Mashpee.

The resolve providing for the payment of expenses incurred in connection with certain lands in the town of Mashpee was read a second time and refused a third reading.

Arrest on mesne process.

The report of the committee on the Judiciary, on the order relative to arrest on mesne process or execution, was accepted.

Dwelling-houses.

The House report on the bill relating to the exemption of dwelling-houses from taxation was accepted in concurrence.

Prisons.

The Senate report on the condition of the various prisons in the Commonwealth was accepted.

Sent down for concurrence.

Came up concurred.

Injuries caused by defects in highways.

The Senate bill to limit the amount recoverable for damages or injury caused by defects of highways, townways, causeways, or bridges, was read a third time and passed to be engrossed.

Sent down for concurrence.

West Springfield.

The House bill to authorize the town of West Springfield to borrow money for certain purposes was read a third time and passed to be engrossed in concurrence.

Selectmen and assessors of towns.

The bill in relation to the election of selectmen and assessors of towns was read a second time, amended, and ordered to a third reading.

Reformatory prison for women.

The bill to amend an Act entitled "An Act to establish a reformatory prison for women" came up non-concurred in the Senate amendment, striking out all after the enacting clause, and inserting the sections adopted by the Senate; and the Senate insisted on its amendment, and the bill was returned to the House.

Children.

The bill in addition to an Act relating to the employment of children, and regulations respecting them, came from the House non-concurred in the Senate amendment therein; "and Messrs Osgood of Salem, Mellen of Worcester and Hale of Cambridge are appointed a committee of Conference on the subject-matter of difference between the two Houses in relation thereto."

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Thereupon the Senate insisted on its amendment; and Messrs. Ely, Gogin and Coffin were appointed a committee of Conference on the part of the Senate.

Punishment in penal and charitable institutions.

Mr. Russell, from the committee on the Judiciary, to whom was committed the order in relation to the use of the *gag* as a means of punishment in the penal and charitable institutions of the State, reported a bill regulating punishments in the penal and charitable institutions of the State; and the same was read and ordered to a second reading.

Adjournment.

On motion, it was ordered, that, when the Senate adjourns, it be to meet to-morrow at eleven o'clock, A.M.

Adjourned.

TUESDAY, May 7, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Merriam, from the committee on the Judiciary, on an order in relation to the subject, reported,

Costs before certain courts.

A bill relative to costs before district, municipal and police courts, and trial-justices; and the same was read and ordered to a second reading.

Paper from the House.

Plymouth County, — district courts of.

The "bill to abolish the second and third district courts of Plymouth, and to establish a new district court in said county," came from the House non-concurred in the amendment proposed by the Senate therein; and the Senate insisted on its amendment, and the bill was returned to the House.

Trustee process.

On motion of Mr. Truell, "the vote by which the bill concerning trustee process" passed to be engrossed, was reconsidered, and the bill placed in the orders of the day for to-morrow, and ordered to be printed.

Mashpee.

Mr. Knowlton of Bristol moved a reconsideration of the vote by which the "Resolve providing for the payment of expenses incurred in connection with certain lands in the town of Mashpee" was refused a third reading; and the motion was laid on the table.

The orders of the day were taken up, and the bill to

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prevent trespass on land and artificial reservoirs connected with public water-works; and

Public water-works, etc.

The resolve authorizing the treasurer to borrow money in anticipation of the revenue, were severally read a second time and ordered to a third reading.

Treasurer.

The House bill to establish the Commonwealth's Flats Improvement Fund was read a third time and passed to be engrossed in concurrence.

Commonwealth's Flats Improvement Fund.

The House bill to better secure the rights of married women was read a third time, as heretofore amended, and passed to be engrossed in concurrence with the amendment which was sent down for concurrence.

Married women.

The House bill relating to savings banks and the receivers thereof was read a third time and passed to be engrossed in concurrence.

Savings Banks.

The bill relative to the Southern Vermont Railroad, and certain railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad, was read a second time. Mr. Winn proposed a substitute therefor, and moved that said bill be referred to the committee on the Judiciary.

Southern Vermont Railroad and Troy and Greenfield Railroad.

Pending the consideration of this motion, the orders of the day were laid on the table.

The Senate took a recess until two o'clock, P.M.,
And at that hour again assembled.

Mr. Adams presented a copy of a petition of the selectmen of Mashpee to the superior court at Barnstable, for the appointment of commissioners to make partition of certain lands in Mashpee, also the appointment by the court of three commissioners; and the report of the said commissioners, with schedule of expenses and the nature and extent of services.

Mashpee.

Mr. White of Plymouth, from the committee on the Judiciary on an order in relation to the subject, reported,

A bill to regulate the issue of notes, bills, and drafts by corporations; and the same was read and ordered to a second reading.

Issue of notes, bills and drafts.

Mr. Ropes, from the committee on Banks and Banking, on the annual report of the receivers of the Mechanics' Savings Bank, reported that legislation is unnecessary thereon; and the report was accepted.

Mechanics' Savings Bank.

Sent down for concurrence.

Came up concurred.

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Southern Vermont Railroad and Troy and Greenfield Railroad.

The orders of the day were taken up, and the Senate resumed the consideration of the bill relative to the Southern Vermont Railroad, and certain railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad; and the motion to refer the same to the committee on the Judiciary was carried in the affirmative.

The bill regulating punishments in the penal and charitable institutions of the state was read a second time, and the question on ordering the same to a third reading was determined as follows, to wit:

YEAS. — Messrs.	Abbott,	Beal,	Brown,
	Canfield,	Coffin,	Davol,
	Day,	Ewing,	Flatley,
	Hodges,	Ropes,	Russell. — 12.
NAYS. — Messrs.	Adams,	Barton,	Bishop,
	Breed,	Burrage,	Gilbert,
	Hayes,	Hill,	Holmes,
	Knowlton, Wm.	Lynde,	Swett,
	White, James,	White, Jno.	Winn, — 15.

So the bill was refused a third reading.

Subsequently, Mr. Ropes moved a reconsideration of the vote by which the bill was refused a third reading; and the motion was placed in the orders of the day for to-morrow.

The orders of the day were laid on the table.

Papers from the House.

Reformatory prison for women.

The bill to amend an Act entitled "An Act to establish a reformatory prison for women" came up, and the House insists on its non-concurrence in the Senate amendment therein; and Messrs. Goulding of Worcester, Pillsbury and Wentworth of Boston, are appointed a committee of Conference on the subject matter of difference between the two Houses.

Thereupon the Senate insisted on its amendment, and Messrs. Truell, Ely and Flatley were appointed a committee of Conference on the part of the Senate.

Mashpee.

The "bill in addition to an Act to incorporate the town of Mashpee" came up concurred in the Senate amendment therein with an amendment which was adopted in concurrence.

Burials at public expense.

The bill to amend chapter 70 of the General Statutes, relating to burials at public expense, was read and referred to the committee on the Judiciary.

The orders of the day were taken up, and the bill relat-

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ing to the apportionment of sewer and sidewalk assessments was read a second time, amended as proposed by the committee on the Judiciary, and, pending the consideration of an amendment proposed by Mr. Burrage, passed over. Sewer and sidewalk assessments.

The bill to provide for the keeping of registers of voters in cities and towns was read a second time, amended and ordered to a third reading. Registers of voters in cities and towns.

The Senate report on the order relative to the disposal of surplus money after the sale of property under power-of-sale mortgages was accepted. Power of sale mortgages.

Mr. Truell moved that "the Senate do now adjourn," and, the vote being taken on the motion, it was carried in the negative. Adjournment.

On motion of Mr. Russell, the roll of the Senate was called, and it appeared that the following named Senators were present, to wit: — Roll call.

Messrs.	Adams,	Beal,	Breed,
	Brown,	Burrage,	Canfield,
	Coffin,	Cogswell,	Ewing,
	Gilbert,	Hill,	Ropes,
	Russell,	Swett,	Truell,
	White, Jas. — 16.		

Thereupon, on motion of Mr. Truell, the Senate adjourned.

WEDNESDAY, May 8, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Merriam, from the committee on the Judiciary, on the order relative to the subject, reported a bill relative to the compensation of county commissioners; and the same was read and ordered to a second reading. County commissioners.

Mr. Brown, from the same committee, reported the bill to amend chapter 70 of the General Statutes, relating to burials at public expense, without amendment; and the same was ordered to a second reading. Burials at public expense.

Papers from the House.

The House bill to better secure the rights of married women came up non-concurred in the amendment proposed therein; and the Senate insisted on its amendment, and the bill was returned to the House. Married women.

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Plymouth County, — district courts of.

The bill to abolish the second and third district courts of Plymouth, and to establish a new district court in said county, came up; and the House insists on its non-concurrence in the Senate amendment therein, and Messrs. Cobb of Kingston, Bird of Walpole, and Jennings of Fall River are appointed a committee of Conference on the disagreeing votes of the two Houses.

Thereupon the Senate insisted on its amendment; and Messrs. White of Plymouth, Coffin and Merriam are appointed a committee of Conference on the part of the Senate.

Boston and Albany Railroad Company.

A bill in relation to the Commonwealth's interest in the capital stock of the Boston and Albany Railroad Company was read and ordered to a second reading.

State prison.

The bill to amend an Act providing for an increase in the number of assistant guards employed at the State prison came up concurred with an amendment, substituting therefor the bill originally passed by the House; also an amendment in the title, striking out the word "guards," and inserting in place thereof the word "watchmen."

And the Senate non-concurred in said amendments, and the bill was returned to the House.

Charitable and reformatory institutions.

The bill relating to the State charitable and reformatory institutions was taken from the table, and the Senate receded from its amendments therein.

Amaziah Mayo et al.

The resolve authorizing the Governor and Council to make a settlement with Amaziah Mayo and George G. Baker, contractors for building the reformatory prison for women, came up concurred with an amendment, being a substitution of the resolve in favor of Amaziah Mayo and George G. Baker.

Mr. Russell proposed an amendment to said amendment of the House; pending the consideration of which, the subject was laid on the table.

Mashpee.

The motion to reconsider the vote, whereby the resolve providing for the payment of expenses incurred in connection with certain lands in the town of Mashpee was refused a third reading, was taken from the table and referred to a special committee consisting of Messrs. Hayes, Adams, and Cate.

On motion of Mr. Russell, the petition of Alonzo Farrar

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and others was taken from the files of last year, and referred to the next General Court. Alonzo Farrar et als.

Sent down for concurrence.

Came up concurred.

The resolve authorizing the Governor and Council to make a settlement with Amaziah Mayo and George G. Baker, contractors for building the reformatory prison for women, was taken from the table; but, before any action was had thereon, Amaziah Mayo et al.

The Senate adjourned to meet at two o'clock, P.M., and at that hour, again assembled, and resumed the consideration of the above-named resolve, the same being an amendment to the resolve of the Senate. After debate, the amendment proposed by Mr. Russell was adopted; and the question then recurring on the amendment of the House, the vote was taken, and it was carried in the negative; Ib.

And the bill was returned to the House.

The following engrossed bills, (the first two of which originated in the Senate,) passed to be enacted, to wit: —

Relating to the appointment and removal of guardians of minors. Bills enacted, and laid before governor.

To extend the law enabling the courts to report questions of law for the determination of the Supreme Judicial Court.

To amend chapter 48 of the General Statutes, relating to sewers and drains.

The following engrossed resolves, (all of which originated in the House,) were passed, and, with the above-named bills, were laid before the Governor for his approval, to wit: — Resolves passed, and laid before governor.

In relation to the new State prison at Concord.

To provide for the erection of a fence at the State camp-ground at Framingham.

To provide for the repairs of buildings at the State camp-ground at Framingham, and at the arsenal-grounds at Cambridge.

Providing for the expense of enforcing the provisions of law in relation to Green-Harbor Marsh in Marshfield.

Relating to the reformatory prison for women.

To provide for the purchase of knapsacks for issue to the militia.

The orders of the day were taken up; and the House resolve authorizing the treasurer to borrow money in anticipation of the revenue, was read a third time and passed to be engrossed in concurrence. Treasurer.

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Punishment in penal and charitable institutions.

The motion to reconsider the vote by which the bill regulating punishment in the penal and charitable institutions of the State was refused a third reading, was considered; and the question thereon was taken by yeas and nays as follows, to wit: —

YEAS. — Messrs.	Beal,	Brown,	Coffin,
	Day,	Ely,	Flatley,
	Hodges,	Palmer,	Ropes,
	Russell,	Saunders,	Truell. — 12
NAYS. — Messrs.	Adams,	Barton,	Bishop,
	Breed,	Burrage,	Cate,
	Gardner,	Gilbert,	Gogin,
	Gregory,	Hayes,	Hill,
	Holmes,	Knowlton, Wm.,	Lynde,
	Merriam,	Rogers,	Sherman,
	Swett,	White, James,	White, Jonathan,
	Winn. — 22.		

So the Senate refused to reconsider.

Trustee process.

The bill concerning trustee process was further considered, and Mr. Truell moved to strike out the third section of the bill; and the question on this motion was taken by yeas and nays as follows, to wit: —

YEAS. — Messrs.	Barton,	Beal,	Brown,
	Day,	Ely,	Flatley,
	Knowlton, Wm.,	Merriam,	Palmer,
	Ropes,	Sherman,	Truell,
	White, Jonathan. — 13.		
NAYS. — Messrs.	Adams,	Bishop,	Breed,
	Burrage,	Coffin,	Gilbert,
	Gogin,	Gregory,	Hill,
	Hodges,	Holmes,	Lynde,
	Russell,	Swett,	White, James,
	Winn. — 16.		

So the amendment was rejected.

Mr. Bishop proposed to amend the bill by adding three new sections, to stand as sections 4, 5, and 6; and the question on the adoption of the same was taken by yeas and nays as follows, to wit: —

YEAS. — Messrs.	Adams,	Barton,	Bishop,
	Breed,	Coffin,	Ely,
	Gilbert,	Gogin,	Gregory,
	Hayes,	Hill,	Hodges,
	Holmes,	Knowlton, H. M.,	Knowlton, Wm.,
	Lynde,	Ropes,	Russell,
	Sherman,	Swett,	White, James,
	White, Jonathan. — 22.		
NAYS. — Messrs.	Beal,	Brown,	Burrage,
	Flatley,	Merriam,	Palmer,
	Truell,	Winn. — 8.	

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So the amendment was adopted; and the question then recurring on ordering the bill to be engrossed, it was taken by yeas and nays as follows, to wit: —

YEAS. — Messrs.	Adams,	Bishop,	Breed,
	Burrage,	Coffin,	Ely,
	Gilbert,	Gogin,	Gregory,
	Hill,	Hodges,	Holmes,
	Knowlton, Wm.,	Lynde,	Russell,
	Swett,	White, Jas. — 17.	
NAYS. — Messrs.	Barton,	Beal,	Brown,
	Flatley,	Hayes,	Knowlton, H. M.,
	Merriam,	Palmer,	Ropes,
	Sherman,	Truell,	White, Jonathan,
	Winn. — 13.		

So the bill passed to be engrossed.

Sent down for concurrence.

Came up concurred.

False publications by officers of corporations.

The bill relative to false publications by officers of incorporated companies was, in accordance with the report of the committee thereon, rejected.

Collection of taxes.

The House bill in relation to the collection of taxes was read a third time, further amended, and passed to be engrossed in concurrence with the amendments which were

Sent down for concurrence.

Selectmen and assessors, election of.

The bill in relation to the election of selectmen and assessors of towns was read a third time; whereupon Mr. Merriam proposed a substitute therefor, and the bill was passed over, and the substitute ordered to be printed.

Fees of officers in certain cases

The bill regulating the fees of officers in making attachments of personal property was read a third time, amended, and passed to be engrossed.

Sent down for concurrence.

Public water-works, etc.

Mr. Merriam proposed a substitute for the bill to prevent trespass on land and artificial reservoirs connected with public water-works; and the same was ordered to be printed.

Papers from the House.

Bills.

Bills,

To establish the boundaries of Fire District No. One in the town of Greenfield;

Relative to the taxation of the property of certain manufacturing companies, copartnerships and associations, were severally read and referred to the committee on the Judiciary.

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Savings banks. A bill for the exemption from taxation of deposits in savings banks invested in United-States securities (the same having been reported in the House under a suspension of joint rule No. 3,) was read and ordered to a second reading.

State prison building and land. A resolve concerning the old State-prison building and land, (under a suspension of the 20th joint rule,) was read and referred to the committee on the Treasury.

Report of the Board of Agriculture. A report of the committee on Agriculture on the order of inquiry as to whom were sold the copies of the report of the Secretary of the Board of Agriculture, the same being that no record of the sale had been kept, was read and accepted in concurrence.

Paper from the House.

Lunatic hospital at Danvers. A message from the Governor, with a communication from the Trustees of the Lunatic Hospital at Danvers asking for a further appropriation, was referred, in concurrence, to the committee on Public Charitable Institutions.

Adjourned.

THURSDAY, May 9, 1878.

Met according to adjournment.

The journal of yesterday was read.

Papers from the House.

Married women. The House bill "to better secure the rights of married women" came up, and the House insists on its non-concurrence in the Senate amendment therein; and Messrs. Knowlton of Springfield, C. H. Hill of Boston, and Wilder of Lowell, are appointed a committee of conference on the disagreeing votes of the two branches.

And the Senate insisted on its amendment, and Messrs. Russell, Coffin and Ropes are appointed a committee of Conference on the part of the Senate.

Amaziah Mayo et al. The resolve authorizing the Governor and Council to make a settlement with Amaziah Mayo and George G. Baker, contractors for building the Reformatory Prison for Women, came up, and "the House insists on its amendment therein; and Messrs. Fairbanks of Oakham, Dunham of Pittsfield, and Knowlton of Springfield are appointed a

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committee of Conference on the subject matter of difference between the two Houses."

Thereupon the Senate insisted on its amendment, and Messrs. White of Plymouth, White of Suffolk, and Adams were appointed a committee of conference on the part of the Senate.

State prison.

A bill "to amend an act providing for an increase in the number of assistant guards employed at the State Prison" came up, and "the House insists on its amendment; and Messrs. Bird of Walpole, Allen and Wentworth of Boston are appointed a committee of conference on the subject matter of difference between the two Houses."

And the Senate insisted on its non-concurrence in said amendment, and Messrs. Truell, Abbott, and Flatley were appointed a committee of conference on the part of the Senate.

Greenfield, — fire district in.

Mr. Merriam, from the committee on the Judiciary, on the bill to establish the boundaries of Fire District number One in the town of Greenfield, reported that the same ought to pass; and it was ordered to a second reading.

Charles J. Cox.

Mr. White of Suffolk, from the committee on Claims, to whom was referred the resolve in favor of Charles J. Cox, reported that the same be referred to the next General Court.

Appointment of guardians in certain cases.

Mr. Gardner, from the committee on Probate and Chancery, submitted a similar report on the bill to define the jurisdiction of probate courts to appoint guardians in the case of certain vacancies in such office, and to confirm certain appointments; and

Trustees and guardians.

On the order relative to the examination of the accounts of trustees or guardians in the probate courts.

And these reports were read and placed in the orders of the day for to-morrow.

Executors et als.

Mr. White of Plymouth, from the same committee, on the bill conferring upon judges of probate certain powers in relation to the removal of executors, administrators, guardians and trustees, and the enforcement of decrees made in pursuance thereof, reported that the same ought not to pass; and the bill was placed in the orders of the day for to-morrow, on the question of rejection.

The orders of the day were taken up, and the bills,

Bills.

To amend chapter 70 of the General Statutes relating to burials at public expense;

In relation to the Commonwealth's interest in the capi-

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tal stock of the Boston and Albany Railroad Company, were severally read a second time and ordered to a third reading.

Costs before certain courts.

The bill relative to costs before district, municipal, and police courts and trial-justices, was read a second time, amended, and ordered to a third reading.

Issue of notes, bills and drafts by corporations.

The bill to regulate the issue of notes, bills, and drafts by corporations, was read a second time, and, pending the consideration of certain amendments proposed thereto,

The Senate took a recess until 2 o'clock, P.M.;

Ibid.

And at that hour re-assembled, and resumed the consideration of the above-named bill; and the same was amended and refused a third reading.

The Senate bill to prevent trespass on land and artificial reservoirs connected with public water-works, was read a third time, and the amendment proposed by Mr. Merriam was amended and adopted; and the question then recurring on ordering the same to be engrossed, the vote was taken, and it was carried in the negative.

So the bill was rejected.

The orders of the day were laid on the table.

Papers from the House.

The Senate bills,

Bills.

To provide for the enrolment of the militia, for the organization of the volunteer militia, and for the public defence;

Concerning commercial fertilizers, came up severally concurred, with certain amendments which were adopted in concurrence.

Plymouth County, — district courts of.

Mr. White of Plymouth, from the committee of Conference on the disagreeing votes of the two Houses on the "bill to abolish the second and third district courts of Plymouth, and to establish a new district court in said county," reported that, after conference had, the committees had been unable to agree, and asked to be discharged from the further consideration thereof; and the report was accepted.

Sent down for concurrence.

Came up concurred.

State prison buildings and land.

Mr. Breed, from the committee on the Treasury, reported the resolve concerning the old State-prison buildings and land without amendment; and the same was ordered to a second reading.

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Papers from the House.

Bills,

Relating to the rights of depositors in savings banks; Bills.

To change the name of the Main-Street Methodist Episcopal Church of Worcester, were severally read and referred to the committee on the Judiciary.

A report of the committee on Public Charitable Institutions, that no legislation is necessary on the report of the special committee appointed at the last session, to investigate certain transactions at the State workhouse, was read and placed in the orders of the day for to-morrow. State Workhouse.

The following order was read and referred to the special committee having charge of the subject of "money bills:" Money Bills.

Ordered, That the opinions of the four justices of the supreme judicial court, extended on the Senate Journal of 1781, under date of February 23 of that year, be printed, together with the list, so far as collected by the assistant clerks of the two branches, of bills levying taxes and of bills appropriating money which originated in the Senate; and that copies thereof be transmitted to the honorable justices of the supreme judicial court.

The following engrossed bills (the first two of which originated in the Senate) passed to be enacted, and were laid before the Governor for his approval: —

Concerning fees of special and trial justices in inquests. Bills enacted, and laid before the governor.

To amend chapter 88 of the General Statutes, relating to innholders and common victuallers.

To re-organize the State Detective Force.

Relating to the distribution of the annual income of the school fund, and to provide for reports by school committees.

In relation to the formation of railroad corporations.

Bill to revive the charter of the city of Fall River.

To establish the Commonwealth's Flats Improvement Fund.

To amend an act relating to elections.

To authorize the town of West Springfield to borrow money for certain purposes.

The orders of the day were taken up, and the bill to provide for the keeping of registers of voters in cities and towns, was read a third time, amended and passed to be engrossed in concurrence with the amendments, which were sent down for concurrence. Registers of voters in cities and towns

Came up concurred.

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Sewer and sidewalk assessments.

The bill relating to the apportionment of sewer and sidewalk assessments was further considered, the question being on the adoption of an amendment proposed therein by Mr. Burrage.

The amendment was amended, on motion of Mr. Merriam, and the question on the adoption of the same was taken by yeas and nays, as follows, to wit: —

YEAS. — Messrs.	Abbott,	Bishop,	Burrage,
	Coffin,	Ewing,	Flatley,
	Gilbert,	Gogin,	Hayes,
	Hill,	Hodges,	Holmes,
	Knowlton, Wm.,	Lynde,	Russell,
	Winn. — 16.		
NAYS. — Messrs.	Beal,	Canfield,	Ely,
	Merriam,	Palmer,	Ropes. — 6.

So the amendment was adopted, and the bill as amended was ordered to a third reading.

County commissioners.

The Senate bill relative to the compensation of county commissioners was read twice, under a suspension of the rule, and passed to be engrossed.

Sent down for concurrence.

The bill for the exemption from taxation of deposits in savings banks invested in United-States securities was passed over.

Selectmen and assessors of towns.

The Senate bill in relation to the election of selectmen and assessors of towns was further considered, and the amendment proposed thereto by Mr. Merriam was rejected, and the bill was ordered to be engrossed in concurrence, with the amendment heretofore adopted which was sent down for concurrence.

Papers from the House.

Bills,

Bills.

Relating to the taxation of Co-operative Saving Fund and Loan Associations, (on an order in relation to the subject,);

For the exemption from taxation of deposits in savings banks invested in real estate, substituted in the House for the Senate report on an order relative to the subject, were severally read and ordered to a second reading.

Collection of taxes.

The House bill in relation to the collection of taxes, came up non-concurred in the Senate amendments therein, "and Messrs. Wade of Newton, Knowlton of Springfield, and Chapin of Boston are appointed a committee of Conference on the disagreeing votes of the two Houses, in

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relation thereto;" and the Senate thereupon insisted on its amendments, and Messrs. Coffin, Bishop, and Ely are appointed a committee of Conference on the part of the Senate.

Employment of children.

A report of the committee of Conference, on the subject matter of difference between the two Houses, in relation to the amendments proposed by the Senate to the bill in addition to an act relating to the employment of children and regulations respecting them, came from the House, the same being that "the Senate should recede from its proposed amendments, striking out the first three sections, and that three others should be adopted in place thereof. Also, that the House should concur in the amendments proposed by the Senate in section 4;" and the report was read, placed in the orders of the day for to-morrow, and ordered to be printed.

Adjourned.

FRIDAY, May 10, 1878.

Met according to adjournment.

The journal of yesterday was read.

Southern Vermont Railroad and Troy and Greenfield Railroad.

Mr. Russell, from the committee on the Judiciary, to whom was referred the bill relative to the Southern-Vermont Railroad, and certain railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad, submitted a report thereon, which was read and placed in the orders of the day for to-morrow.

Issue of notes, bills, and drafts by corporations.

On motion of Mr. Holmes, the vote by which the bill to regulate the issue of notes, bills and drafts by corporations, was refused a third reading, was reconsidered, and the bill was then re-committed to the committee on the Judiciary with instructions to report a bill covering embezzlement and breaches of trust.

Papers from the House.

Massachusetts soldiers, list of.

A resolve authorizing the revision and correction of the list of Massachusetts soldiers who served in the war of the Rebellion, was read and referred to the committee on the Treasury.

Mashpee.

Mr. Hayes, from the special committee to whom was referred the resolves providing for the payment of expenses

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incurred in connection with certain lands in the town of Mashpee, reported that the accounts of the commissioners, by whom such expenses were incurred, are to be re-examined by the court having jurisdiction thereof; and asked to be discharged from the consideration thereof, until the judgment of the court shall have been received.

And the report was accepted.

Greenfield. The orders of the day were taken up, and the bill to establish the boundaries of Fire District Number One in the town of Greenfield; and

State Prison. The resolve concerning the old State Prison buildings and land, were severally read a second time and ordered to a third reading.

Burials at public expense. The House bill to amend chapter 70 of the General Statutes, relating to burials at public expense, was read a third time and passed to be engrossed in concurrence.

The Senate reports,

Senate reports. On the bill to define the jurisdiction of probate courts to appoint guardians in the case of certain vacancies in such office, and to confirm certain appointments; and

On the order relative to the examination of the accounts of trustees or guardians in the probate courts, were severally accepted.

Savings Banks. The bill for the exemption from taxation of deposits in savings banks invested in real estate, was read a second time and refused a third reading.

The orders of the day were laid on the table.

Papers from the House.

Boston and Maine Railroad, and Lowell and Lawrence Railroad Company. A bill in relation to the crossing of the tracks of the Boston and Maine Railroad by the Lowell and Lawrence Railroad Company at South Lawrence, (on the petition of the Lowell and Lawrence Railroad Company,).

Injury caused from defects in highways. The bill to limit the amount recoverable for damages or injury caused by defects in highways, townways, causeways or bridges, came up concurred with an amendment which was adopted in concurrence.

Suffolk County. The bill relating to the clerical assistance of the register of probate and insolvency in the county of Suffolk, was read and referred to the committee on the Judiciary.

The Senate took a recess until 2 o'clock P.M.;

And at that hour again assembled.

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Mr. Flatley, from the committee on Prisons on the report of the Commissioners of Prisons, reported

A bill in relation to the penal institutions of the Commonwealth; and the same was read and ordered to a second reading. Penal institutions.

Papers from the House.

A bill making appropriations for the improvement and maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel, was read and referred to the committee on the Treasury. Troy and Greenfield Railroad, &c.

An engrossed bill in addition to an act to incorporate the town of Mashpee came up amended, by striking therefrom, in section one, the words, "the proceedings hereunder, with the charges of said commissioners," and inserting instead thereof the word "recording:" and the amendment was adopted in concurrence. Mashpee.

A report of the committee of conference on the subject matter of difference between the two Houses, in relation to an amendment proposed by the House to the resolve authorizing the Governor and Council to make a settlement with Amaziah Mayo and George G. Baker, contractors for building the reformatory prison for women, the same being that the committees had been unable to agree, was accepted in concurrence. Amaziah Mayo et al.

A further indorsement was that "Messrs. Norton of Boston, Clark of Springfield, and Tucker of Boston, are appointed a new committee of conference on the part of the House." Ibid.

Thereupon, Messrs. Bishop, Breed, and Burrage were appointed a new committee of conference on the part of the Senate.

Mr. Russell, on leave, introduced a bill to amend chapter 225 of the Acts of the year 1876, in relation to voting in cities; and the same was read and referred, under a suspension of the 20th joint rule, to the committee on the Judiciary. Voting in cities.

The following engrossed bills, (which originated in the House,) passed to be enacted; to wit: —

In relation to registration and elections in the city of Boston.

To supply the city of Newburyport with water. Bills enacted, and laid before governor.

An engrossed resolve, authorizing the treasurer to borrow money in anticipation of the revenue, (which origi- Treasurer.

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nated in the House,) passed, and, with the above-named bills, was laid before the Governor for his approval.

Taxation of co-operative saving fund and loan associations.

The orders of the day were taken up, and the bill relating to the taxation of co-operative saving fund and loan associations, was read a second time and ordered to a third reading.

Charles J. Cox.

The report of the committee on Claims, on the resolve in favor of Charles J. Cox, was accepted.

So the resolve was referred to the next General Court.

State workhouse.

The report on the subject of the investigation into certain transactions at the State workhouse was laid on the table.

Removal of executors et als.

The bill conferring upon judges of probate certain powers in relation to the removal of executors, administrators, guardians and trustees, and the enforcement of decrees made in pursuance thereof was, in accordance with the report of the committee thereon, rejected.

Costs before certain courts.

The bill relative to costs before district, municipal and police courts, and trial-justices, was read a third time, and the committee on Bills in the Third Reading having reported an amendment thereto, the same was adopted, and the bill as amended, was passed to be engrossed.

Sent down for concurrence.

Sewer and sidewalk assessments.

The bill relating to the apportionment of sewer and sidewalk assessments was read a third time as heretofore amended, and passed to be engrossed in concurrence with the amendment which was sent down for concurrence.

Came up concurred.

Boston and Albany Railroad Company.

The house bill in relation to the Commonwealth's interest in the capital stock of the Boston and Albany Railroad Company was read a third time and passed to be engrossed in concurrence.

Savings Banks.

The bill for the exemption from taxation of deposits in savings banks invested in United-States securities, was further amended by striking out the first section, (after being amended), and ordered to a third reading.

Employment of children.

The report of the committee of Conference on the bill relating to the employment of children, and regulations respecting them, was accepted in concurrence.

On motion, it was ordered that when the Senate adjourns, it be to meet on Monday next at 2 o'clock P.M.

Adjourned.

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MONDAY, May 13, 1878.

Met according to adjournment.

The journal of Friday was read.

Papers from the House.

North Adams. A bill to provide a union passenger station at North Adams, (on an order in relation to the subject,) was read and referred to the committee on the Treasury.

Greenfield. A bill relative to the establishment of a passenger station in Greenfield, and reimbursements for land-damages in that town, (on the petition of William Keith and others,) was read and referred to the committee on the Treasury.

Trustees and trust estates. A report of the committee of conference on the disagreeing votes of the two Houses, in relation to an amendment proposed by the Senate to the bill relating to trustees and trust estates, the same being that the House should recede from its amendment, was accepted in concurrence.

Main Street Methodist Episcopal church in Worcester. Mr. Russell, from the Committee on the Judiciary, on the bill to change the name of the Main-Street Methodist Episcopal church of Worcester; and

Savings Banks. Mr. Merriam, from the same committee, on the bill relating to rights of depositors in savings banks, severally reported that said bills ought to pass; and they were ordered to a second reading.

Voting in cities. Mr. Russell, from the same committee, on the bill to amend chapter 225 of the Acts of the year 1876, in relation to voting in cities, reported that said bill ought to pass, and it was ordered to a second reading; and, under a suspension of the rule, read a second time and ordered to a third reading.

North Bridgewater Savings Bank. The President presented the first annual report of the receivers of the North Bridgewater Savings Bank of Brockton; and the same was laid on the table and ordered to be printed.

Registers of probate and insolvency. Mr. Merriam, from the committee on the Judiciary, on the bill relating to clerical assistance of registers of probate and insolvency in the county of Suffolk, reported the same in a new draft, under the title of

"Bill relating to clerical assistance of registers of probate and insolvency;" and the same was read and ordered to a second reading.

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The following engrossed bills, (the first of which originated in the Senate,) passed to be enacted, to wit: —

Bills enacted.

In relation to the police department of the city of Boston.

Relating to savings banks and the receivers thereof.

List of Massachusetts soldiers.

Mr. Breed, from the committee on the Treasury, reported the resolve authorizing the revision and correction of the list of Massachusetts soldiers who served in the war of the rebellion without amendment; and the same was ordered to a second reading.

On motion of Mr. Flatley,

Reconsideration.

Ordered, That, for purposes of reconsideration, this be considered the last week of the session.

The orders of the day were taken up, and the bills,

Bills.

In relation to the crossing of the tracks of the Boston and Maine Railroad by the Lowell and Lawrence Railroad Company at South Lawrence;

In relation to the penal institutions of the Commonwealth; were severally read a second time, and ordered to a third reading.

The bill relative to the Southern-Vermont Railroad and certain railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad, was further considered; and the substitute proposed therefor by Mr. Winn was adopted, amended, read twice under a suspension of the rule, and ordered to a third reading.

The House bill relating to the taxation of co-operative saving fund and loan associations; and

State Prison.

The House resolve concerning the old State-Prison buildings and land, were severally read a third time and passed to be engrossed in concurrence.

Savings Banks.

The bill for the exemption from taxation of deposits in savings banks invested in United States securities was read a third time, amended in the title by substituting therefor the following: —

"Bill to fix the rate of taxation of deposits in savings banks," and passed to be engrossed in concurrence with the amendments which were sent down for concurrence.

Greenfield.

The House bill to establish the boundaries of fire District Number One, in the town of Greenfield, was read a third time and passed to be engrossed in concurrence.

Charles J. Cox.

Mr. Ely moved a reconsideration of the vote by which the resolve in favor of Charles J. Cox was refused a third

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reading; and the vote being taken on the motion, it was carried in the negative.

On motion, it was

Ordered, That, when the Senate adjourns, it be to meet to-morrow, at 1 o'clock P.M.

Adjourned.

TUESDAY, May 14, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mashpee. Mr. Hayes, from the special committee to whom was committee the "resolve providing for the payment of expenses incurred in connection with certain lands in the town of Mashpee," reported the same in a new draft; and it was read three times under a suspension of the rule, and passed to be engrossed.

Sent down for concurrence.

Papers from the House.

Amaziah Mayo et al. A report of the committee of Conference, on the subject matter of difference between the two Houses, relative to the "resolve authorizing the Governor and Council to make a settlement with Amaziah Mayo and George G. Baker, contractors for building the Reformatory Prison for Women," the same being that the committees had been unable to agree, was accepted in concurrence.

Resolves, Resolves.

Authorizing the issue of arms to Tufts College;

Relative to the distribution of certain reports, were read, and, under a suspension of the rule requiring the same to be referred to a committee of the Senate, and the first named under a suspension of the twentieth joint rule, ordered to a second reading.

Special justices of police courts. A bill relative to the compensation of the special justices of police courts was read and referred to the committee on the Judiciary.

Registers of voters in cities and towns. The bill to provide for the keeping of registers of voters in cities and towns came up concurred in certain of the amendments proposed by the Senate therein, and concurred in a further amendment with an amendment which was adopted in concurrence.

A report of the committee of Conference, on the disagree-

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Collection of taxes.

ing votes of the two Houses, in relation to certain amendments proposed by the Senate to the "bill in relation to the collection of taxes," the same being that the Senate should recede from its amendments at A and E; that the House should concur in the amendments at B, C, D, and F; also that the Senate amendment at G, inserting a new section, numbered section 16, should be stricken out, and a new section be inserted at the end of section 14, was accepted in concurrence.

Fees of officers in certain cases.

The Senate bill regulating the fees of officers making attachments of personal property came up concurred with certain amendments which the Senate non-concurred in; and Messrs. Russell, Coffin, and Brown were appointed a committee of Conference on the subject matter of difference between the two Houses.

Bills.

Bills,

To permit the establishment of a union freight-depot in Greenfield;

Making appropriations to meet certain expenditures authorized the present year and for other purposes, were severally read and referred to the committee on the Treasury.

Savings Banks.

Mr. Holmes, from the committee on Banks and Banking, on the order in regard to legislation respecting savings banks temporarily or permanently enjoined, reported that it is inexpedient to legislate thereon; and the report was read and placed in the orders of the day for to-morrow.

Reconsideration.

On motion of Mr. Adams, the vote by which the order fixing this as the last week of the session was adopted, was reconsidered, and the order was thereupon rejected.

Savings Banks.

On motion of the same Senator, the vote by which the bill for the exemption from taxation of deposits in savings banks invested in United States securities passed to be engrossed, was reconsidered; and the question then recurring on passing the bill to be engrossed, it was determined as follows, to wit: —

YEAS. — Messrs.	Abbott,	Beal,	Brown,
	Canfield,	Davol,	Ewing,
	Gilbert,	Gogin,	Hill,
	Holmes,	Knowlton, H. M.,	Ropes. — 12.
NAYS. — Messrs.	Adams,	Barton,	Burrage,
	Ely,	Flatley,	Gregory,
	Knowlton, Wm.,	Lynde,	Merriam,
	Rogers,	Russell,	Saunders,
	Sherman,	Truell,	White, Jas.,
	White, Jonathan. — 16.		

So the Senate refused to pass the bill to be engrossed.

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The report on the report of the committee appointed at the last session, to investigate certain transactions at the State workhouse at Bridgewater, was taken from the table and placed in the orders of the day for to-morrow. State Workhouse.

The report of the receivers of the North Bridgewater Savings Bank were taken from the table and referred to the committee on Banks and Banking. North Bridgewater Savings Bank.

Sent down for concurrence.

Came up concurred.

The orders of the day were taken up, and the Senate bill relating to clerical assistance of registers of probate and insolvency was read twice under a suspension of the rule, and passed to be engrossed. Registers of probate and insolvency.

Sent down for concurrence.

The Senate bill to amend chapter 225 of the acts of the year 1876, in relation to voting in cities, was read a third time, amended, and passed to be engrossed. Voting in cities.

Sent down for concurrence.

Came up concurred.

The House bill to change the name of the Main-Street Methodist Episcopal Church of Worcester; and Main Street Methodist Episcopal Church in Worcester.

The House resolve authorizing the revision and correction of the list of Massachusetts soldiers who served in the war of the Rebellion, were severally read twice under a suspension of the rule, and passed to be engrossed in concurrence.

The Senate bill relative to the Troy and Greenfield Railroad in the State of Vermont, otherwise known as the Southern-Vermont Railroad, and certain railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad, was read a third time, further amended, and passed to be engrossed. Troy and Greenfield Railroad.

Sent down for concurrence.

The House bill in relation to the crossing of the tracks of the Boston and Maine Railroad by the Lowell and Lawrence Railroad Company at South Lawrence was read a third time and passed to be engrossed in concurrence. Boston and Maine Railroad and Lowell and Lawrence Railroad Company.

The Senate bill in relation to the penal institutions of the Commonwealth was read a third time;

Mr. Russell proposed an amendment, providing that the use of the *gag* shall be prohibited in said institutions as a means of punishment; and the question on the adoption of this amendment was taken by yeas and nays as follows, to wit: — Penal institutions.

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YEAS. — Messrs.	Abbott,	Beal,	Brown,
	Canfield,	Coffin,	Davol,
	Day,	Ewing,	Flatley,
	Hodges,	Knowlton, H. M.,	Ropes,
	Russell,	Saunders. — 14.	
NAYS. — Messrs.	Adams,	Bishop,	Breed,
	Burrage,	Cate,	Gregory,
	Hayes,	Hill,	Holmes,
	Lynde,	Rogers,	Sherman,
	Truell,	White, Jonathan. — 14.	

So the amendment was rejected, and the bill was passed to be engrossed.

Sent down for concurrence.

Savings Banks.

The bill relating to rights of depositors in savings banks was read a second time and ordered to a third reading.

The following engrossed bills, (the first three of which originated in the Senate,) passed to be enacted, and were laid before the Governor for his approval: —

Bills enacted, and laid before governor.

Concerning commercial fertilizers.

To limit the amount recoverable for damages or injury caused by defects of highways, townways, causeways, or bridges.

Relating to trustees and trust-estates.

In addition to an act to incorporate the town of Mashpee.

Concerning trustee process.

On motion it was ordered that when the Senate adjourns, it be to meet at 11 o'clock, A.M., to-morrow.

On motion of Mr. Gilbert,

Last week of session.

Ordered, That the week commencing this day be considered the last week of the session.

The following acts were laid before the Governor for his approval, to wit: —

Acts laid before the governor.

In relation to the police department of the city of Boston;

Relating to saving banks and the receivers thereof.

Adjourned.

WEDNESDAY, May 15, 1878.

Met according to adjournment.

The journal of yesterday was read.

Mr. Breed from the committee on the Treasury, on the bills,

Bills.

Relative to the establishment of a passenger-station in

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Greenfield, and reimbursements for land damages in that town;

To provide a union passenger-station at North Adams; and

Special justices of police courts.

Mr. Merriam, from the committee on the Judiciary, on the bill relative to the compensation of the special justices of police courts, reported that said bills severally ought to pass, and they were ordered to a second reading.

Mr. Merriam, from the committee on the Judiciary, to whom was recommitted the bill to regulate the issue of notes, bills, and drafts by corporations, reported

Frauds upon corporations.

A bill to prevent frauds upon corporations; and the same was read and ordered to a second reading.

Papers from the House.

Public documents.

The Senate "bill concerning the preparation, printing, and distribution of public documents" came up concurred, with sundry amendments, which were adopted in concurrence.

Soldiers and sailors.

A bill to provide additional pay to poor and indigent soldiers and sailors was read and referred to the committee on the Treasury.

Report of Secretary of Board of Agriculture.

The resolve authorizing the printing and distribution of the report of the Secretary of the Board of Agriculture was read and ordered to a second reading.

Railroad Commissioners.

A report of the committee on Railroads, that the annual report of the Railroad Commissioners requires no further legislation thereon, was read and accepted in concurrence.

Notice was received from the House announcing that the Senate bills,

Bills rejected.

To confirm the deed of Eben F. Stone as guardian of Nathaniel P. Smith, an insane person;

Relative to the compensation of county commissioners;

Relative to costs before district, municipal, and police courts, and trial justices at inquests, had severally been rejected by that branch.

Reformatory prison for women.

A report of the committee of Conference on the subject matter of difference between the two Houses in relation to the "bill to amend an Act to establish a reformatory prison for women," the same being that "the committees have been unable to agree and ask to be discharged from the further consideration thereof," was accepted in concurrence.

Thereupon Messrs. Ely, Knowlton of Bristol, and White

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of Suffolk were appointed a new committee of Conference in relation thereto.

Sent down for conference.

On motion of Mr. Ewing,

Sessions of Senate.

Ordered, That, on and after to-day the Senate hold two sessions daily, commencing at 11 o'clock A.M. and 2 o'clock P.M. respectively, and that each session be considered a legislative day.

Taxation of certain property of manufacturing companies, co-partnerships, &c.

Mr. Coffin, from the committee on the Judiciary, on the bill relative to the taxation of property of certain manufacturing companies, copartnerships, and associations, reported asking to be discharged from the further consideration thereof; and the bill was placed in the orders of the day for the afternoon.

Savings Banks.

The orders of the day were taken up, and the bill relating to rights of depositors in savings banks was read a third time, and passed to be engrossed in concurrence.

Tufts College.

The resolve authorizing the issue of arms to Tufts College was read a second time, and ordered to a third reading.

Distribution of certain reports.

The House resolve relative to the distribution of certain reports was read twice, amended, and passed to be engrossed in concurrence with the amendments which were sent down for concurrence.

Came up concurred.

Savings Banks.

The report on the order relative to legislation in regard to savings banks which are temporarily or permanently enjoined, was accepted.

State Workhouse.

The report of the committee on Public Charitable Institutions, on the report of the committee appointed at the last session to investigate the management and discipline of the State Workhouse, was amended by striking therefrom the words "it is inexpedient to legislate thereon," and inserting instead thereof the words "be referred to the next General Court;" and the report as amended was accepted, and sent down for concurrence in the amendment.

Clapp and Ballou.

A message from the Governor to the House, with a communication from the Attorney General respecting the contract of Messrs. Clapp and Ballou, for building a sea-wall and filling in South Boston flats, was read and referred in concurrence to the committee on Harbors.

Adjourned.

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AFTERNOON SESSION.

Met according to adjournment.

The journal of the morning session was read.

Appropriations. Mr. Adams from the committee on the Treasury, on the bill making appropriations to meet certain expenditures authorized the present year, and for other purposes; and

Mr. Breed from the same committee, on the bills,

Ibid. Making appropriations for the improvement and maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel;

Greenfield. To permit the establishment of a union freight-depot in Greenfield, reported that these bills severally ought to pass; and they were ordered to a second reading.

Papers from the House.

Metric system of weights and measures. A bill in addition to a act in relation to the metric system of weights and measures; and

State Lunatic Hospital at Danvers. A resolve in favor of the State Lunatic Hospital at Danvers, were severally read and referred to the committee on the Treasury.

No. Bridgewater savings bank. A report of the committee on Banks and Banking, that legislation is unnecessary on the report of the receivers of the North-Bridgewater savings bank of Brockton, was accepted in concurrence.

Code of regulations for militia. A message from the governor with a communication from the adjutant-general relative to printing a code of regulations for the militia, was referred in concurrence to the committee on Printing.

The following engrossed bills, (the first of which originated in the Senate) passed to be enacted, to wit: —

Bills enacted and laid before the governor. Relating to the apportionment of sewer and sidewalk assessments.

To establish the boundaries of fire-district number one in the town of Greenfield.

In addition to an act relating to the employment of children and regulations respecting them.

In relation to the election of selectmen and assessors of towns.

Relative to the taxation of co-operative saving fund and loan associations.

In relation to the Commonwealth's interest in the capital stock of the Boston and Albany Railroad Company.

Bill in relation to the crossing of the tracks of the

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Boston and Maine Railroad by the Lowell and Lawrence Railroad Company at South Lawrence.

To amend chapter 70 of the General Statutes, relating to burials at public expense.

To change the name of the Main-street Methodist Episcopal Church of Worcester.

To provide for the keeping of registers of voters in cities and towns.

State Prison. An engrossed resolve concerning the old State prison buildings and land (which originated in the House) passed, and, with the above-named bills, was laid before the governor for his approval.

Danvers Hospital. Mr. Breed, from the committee on the Treasury, reported the resolve in favor of the State Lunatic Hospital at Danvers, without amendment; and the same was ordered to a second reading.

On motion of Mr. Ewing,

Pay-roll, *Ordered*, That the clerk be directed to make up the pay-roll of the Senate for the present session, and that the members of the Senate be requested to certify to the clerk, in accordance with the Act of 1875, the amount of expenditures incurred for travel to and from the place of meeting of the General Court once during the session.

The orders of the day were taken up, and the bills,

Bills. To prevent frauds upon corporations;

Relative to the compensation of the special justices of police courts;

To provide a union passenger-station at North Adams;

Relative to the establishment of a passenger-station in Greenfield, and reimbursements for land damages in that town; and

State House. The resolve in relation to improvements and repairs of the State House, were severally read a second time and ordered to a third reading.

Taxation of certain property of manufacturing corporations. The bill relative to the taxation of property of certain manufacturing companies, copartnerships, and associations, was read a second time, amended and ordered to a third reading.

Report of Secretary of Board of Agriculture. The resolve authorizing the printing and distribution of the report of the Secretary of the Board of Agriculture was read twice under a suspension of the rule, and passed to be engrossed in concurrence.

Tufts College. The resolve authorizing the issue of arms to Tufts Col-

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lege was read a third time and passed to be engrossed in concurrence.

Married women.

A report of the committee of conference on the disagreeing votes of the two Houses, in relation to the bill to better secure the rights of married women, the same being that the committee had been unable to agree, was accepted in concurrence.

Reformatory prison for women.

Mr. Ely from the committee of Conference, on the subject matter of difference between the two Houses, in relation to the bill to amend an act to establish a reformatory prison for women, reported that the Senate should recede from its amendment, striking out all after the enacting clause in the House bill, and recommending the adoption of certain amendments in said bill, viz.: In the first section strike out the word "three," between the words "than" and "months," and insert the word "four." Also strike out in said section all after the word "months."

In section 2, strike out the word "three" between the words "than" and "months," and insert the word "four."

And the report was accepted.

Sent down for concurrence.

Came up concurred.

Adjourned.

THURSDAY, May 16, 1878.

Met according to adjournment.

The journal of yesterday was read.

Metric system of weights and measures.

Mr. Adams, from the committee on the Treasury, on the bill in addition to an act in relation to the metric system of weights and measures, reported the same with an amendment, and it was ordered to a second reading.

Soldiers and sailors.

The same Senator, from the same committee, on the bill to provide additional pay to poor and indigent soldiers and sailors, reported that the same be referred to the next General Court; and the report was read and placed in the orders of the day for this afternoon.

State tax.

A bill (from the House) to apportion and assess a state tax of one million dollars, was read, and, under a suspension of the rule, ordered to a second reading.

Clapp and Ballou.

A bill (from the House,) providing for the submission to arbitration of the demands of George Clapp and Fred-

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erick K. Ballou against the Commonwealth, (on the message of the Governor in relation to the subject,) was read, and ordered to a second reading.

Savings Banks. A report of the committee on Banks and Banking, that the further consideration of the order relative to allowing insolvent savings banks to continue business, be referred to the next General Court, was read and placed in the orders of the day for to-morrow.

Fees of officers. Mr. Russell, from the committee on Conference, of the disagreeing votes of the two Houses in relation to the "bill regulating fees of officers in making attachments of personal property," reported that the committee had agreed that the word "receives" should be stricken therefrom, and the words "be allowed" inserted in place thereof.

And the report was accepted.

Sent down for concurrence.

Came up concurred.

Bills. The orders of the day were taken up, and the bills,

Making appropriations for the improvement and maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel;

To permit the establishment of a union freight depot in Greenfield, were severally read a second time and ordered to a third reading.

The Senate bill to prevent fraud in corporations was read a third time and passed to be engrossed.

Sent down for concurrence.

The House bills,

Ibid. Relative to the compensation of special justices of police courts;

To provide a union freight depot at North Adams;

Relative to the establishment of a passenger-station in Greenfield, and reimbursements for land damages in that town; and

State House. The House resolve in relation to improvements and repairs of the State House, were severally read a third time and passed to be engrossed in concurrence.

The orders of the day were laid on the table.

Bills enacted and laid before the governor. The following engrossed bills, (the first of which originated in the Senate,) passed to be enacted, to wit:

To amend chapter 225 of the Acts of the year 1876, in relation to voting lists in cities.

Relating to clerical assistance of registers of probate and insolvency.

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The following engrossed resolves (all of which originated in the House) passed, and with the above-named bills, were laid before the Governor for his approval, to wit: Resolves passed, and laid before the governor.

Relative to the distribution of certain reports.

Authorizing the issue of arms to Tufts College.

Authorizing the printing and distribution of additional copies of the report of the Secretary of the Board of Agriculture.

Authorizing the revision and correction of the list of Massachusetts soldiers who served in the war of the Rebellion.

Providing for the payment of expenses incurred in connection with certain lands in the town of Mashpee.

On motion of Mr. Flatley the resolve in favor of Thomas Cahill was taken from the table, the question being on suspending rule 17, in order to reconsider the vote whereby the resolve was ordered to a third reading; and the vote being taken thereon, it was carried in the negative, and the resolve was then read a third time and passed to be engrossed. Thomas Cahill.

Sent down for concurrence.

An engrossed bill relating to the rights of depositors in savings banks (which originated in the House), passed to be enacted. Subsequently, Mr. Burrage moved a reconsideration of the vote by which the bill passed to be enacted; and the motion being considered, was laid on the table. Savings banks.

The bill making further appropriation for the expenses of the State Reform School for Boys, was taken from the table, the question being on concurring with the House in the reference thereof to the committee on Public Charitable Institutions. State Reform School for Boys.

Mr. Brown moved the following words be added to the motion of reference: —

"*Provided* this concurrence shall not be construed as any abandonment, on the part of the Senate, of its Constitutional rights or privileges, in respect to originating bills or resolves appropriating money from the treasury." Pending the consideration of this motion, the subject was laid on the table.

Adjourned.

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AFTERNOON SESSION.

Met according to adjournment.

The journal of the morning session was read.

Papers from the House.

Charles Fisher. A resolve in favor of Charles Fisher of Westport was read three times, under a suspension of the rule, and passed to be engrossed in concurrence.

Penal Institutions. The Senate bill in relation to the penal institutions of the Commonwealth, came up concurred, with certain amendments; and the Senate concurred in these at A and C, and non-concurred in that proposed at B.

And the bill was returned to the House.

Troy and Greenfield Railroad. The Senate bill relative to the Troy and Greenfield Railroad in the state of Vermont, otherwise known as the Southern Vermont Railroad, and certain railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad, came up concurred, with certain amendments, which were adopted in concurrence.

Replevin bonds. A report of the committee of Conference, on the subject matter of difference between the two Houses, in relation to the "bill relative to replevin bonds," the same being that the Senate concur in the House amendment therein, was read, and accepted in concurrence.

Militia. A resolve providing for the printing and issue of the code of regulations for the Massachusetts Volunteer Militia, was read and referred to the committee on the Treasury.

Subsequently, Mr. Adams from the committee, reported the resolve without amendment; and the same was read three times, under a suspension of the rule, and passed to be engrossed in concurrence.

State Reform School for boys. The bill making further appropriation for the expenses of the State Reform School for Boys was taken from the table, and the Senate concurred in the reference thereof to the committee on Public Charitable Institutions, with the words proposed by Mr. Brown, and entered on page 425.

Subsequently, Mr. Ely from said committee, reported that said bill ought not to pass; and it was, in accordance with said report, rejected.

Charles Fisher. The vote by which the resolve in favor of Charles Fisher of Westport passed to be engrossed, was reconsidered under a suspension of the rule, and the same was then

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amended, and again passed to be engrossed, in concurrence, with the amendments, which were sent down for concurrence.

Came up concurred.

Amaziah Mayo et al.

On motion of Mr. Gardner, a new committee of Conference, consisting of Messrs. Hayes, Adams, and Sherman, was appointed on the subject matter of difference between the two Houses, in relation to the resolve authorizing the Governor and Council to make a settlement with Amaziah Mayo and George G. Baker, contractors for building the Reformatory Prison for Women.

Sent down for concurrence.

State Hospital at Danvers.

The orders of the day were taken up, and the House resolve in favor of the State Lunatic Hospital at Danvers was read twice, under a suspension of the rule, and passed to be engrossed in concurrence.

Appropriations.

The House bill making appropriations to meet certain expenditures authorized the present year, and for other purposes, was read twice, amended by inserting therein a provision for the payment of one thousand dollars to Thomas Cahill, and passed to be engrossed, in concurrence with the amendment, which was sent down for concurrence.

Taxation of certain corporate property.

The House bill relative to the taxation of property of certain manufacturing companies, copartnerships, and associations, was read a third time, as heretofore amended, and passed to be engrossed in concurrence with the amendments, which were sent down for concurrence.

Came up concurred.

Metric system.

The House bill in addition to an act in relation to the metric system of weights and measures, was read twice, under a suspension of the rule; the amendment proposed by the committee on the Treasury was rejected, and the bill passed to be engrossed in concurrence.

Clapp and Ballou.

The House bill providing for the submission to arbitration of the demands of George Clapp and Frederick K. Ballou against the Commonwealth, was read twice under a suspension of the rule, amended and passed to be engrossed in concurrence with the amendments, which were sent down for concurrence.

State tax.

The House bill to apportion and assess a State tax of one million dollars was read twice, under a suspension of the rule, and passed to be engrossed in concurrence.

Soldiers and sailors.

The bill to provide additional pay to poor and indigent soldiers and sailors was passed over.

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Savings banks. The report of the committee on Banks and Banking, on the order relative to allowing insolvent savings banks to continue business, was accepted in concurrence.

State Prison. A report of the committee of Conference, on the disagreeing votes of the two Houses, in relation to the bill to amend an act providing for an increase in the number of assistant guards employed at the State Prison, the same being that the House should recede from its amendment at A, and that the Senate should concur in the House amendment at B: also that the word "guards" should be stricken from the fifth line, and the word "watchmen" inserted instead thereof, was accepted in concurrence.

The following engrossed bills (both of which originated in the Senate) passed to be enacted and were laid before the Governor for his approval, to wit: —

Bills enacted and laid before the Governor. Concerning the preparation, printing, and distribution of public documents.

To provide for the enrolment of the militia, for the organization of the volunteer militia, and for the public defence.

Paper from the House.

Thanks to Sergeant-at-arms and assistants. *Ordered*, in concurrence, That the thanks of the two branches of the Legislature are tended to the sergeant-at-arms, for the faithful discharge of the duties of his office during the present session; and to his several assistants for their careful attention to the duties imposed upon them.

Adjourned.

FRIDAY, May 17, 1878.

Met according to adjournment.

The journal of yesterday was read.

Pay-roll. On motion of Mr. Breed, the pay-roll of the Senate as made up by the clerk, was referred to the committee on the Treasury.

Subsequently Mr. Breed, from said committee, reported the same as correctly made up, and thereupon it was

Ordered, That there be allowed and paid to the several senators whose names are borne on the accompanying roll, the sums set against their names respectively, amounting to the sum of twenty-six thousand six hundred and ninety-nine dollars and ninety cents, for attendance and expenses

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of travel as members of the Senate during the present session of the General Court.

The bill in relation to the penal institutions of the Commonwealth came up, and the House recedes from its amendment at B in relation to the use of the *gag* in the penal and charitable institutions of the Commonwealth. Penal institutions.

The orders of the day were taken up, and the bill to provide additional pay to poor and indigent soldiers and sailors was considered, the question being on the reference thereof to the next General Court; and the vote being taken, it was carried in the negative, and the bill was then read twice, under a suspension of the rule, and passed to be engrossed in concurrence. Soldiers and sailors.

Adjourned.

Afternoon Session.

Met according to adjournment.

The journal of the morning session was read.

Papers from the House.

A resolve providing for repairs on the State House was read three times, under a suspension of the rule, and passed to be engrossed in concurrence. State House.

A resolve in favor of Thomas Cahill was read and referred to the committee on the Treasury. Thomas Cahill.

Subsequently Mr. Adams from the committee submitted the following report: —

"The committee on the Treasury, to whom was committed the resolve in favor of Thomas Cahill, having considered the same, report that although a resolve in favor of Thomas Cahill has heretofore passed the Senate, and been sent to the House of Representatives, and the Senate has received no notice that the same has failed to pass that branch, or that this resolve is a substitute therefor, yet as this resolve is not identical with the other, but is essentially different, the committee report that the resolve ought to pass, the Senate reserving its ancient and undoubted privilege to originate all bills appropriating money, equally with the House of Representatives.

And the report was accepted, and ordered to be entered on the Journal of the Senate.

And the resolve was read twice, under a suspension of the rule, and passed to be engrossed in concurrence.

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Appropriations. The bill making appropriations to meet certain expenditures authorized the present year and for other purposes, came up non-concurred in the Senate amendment therein, and the Senate receded therefrom.

Thomas Cahill. Notice was received from the House that the Senate resolve in favor of Thomas Cahill had been rejected by that branch.

Appropriations. A bill (from the House) in addition to an act making appropriations to meet certain expenditures authorized the present year, and for other purposes, was read three times under a suspension of the rules, and passed to be engrossed in concurrence.

Amaziah Mayo et al. Mr. Hayes, from the committee of Conference on the subject matter of difference between the two branches, in relation to the resolve authorizing the Governor and Council to make a settlement with Amaziah Mayo and George G. Baker, contractors for building the reformatory prison for women, reported recommending the adoption of a resolve providing for the submission of said claims to three arbitrators for final settlement.

And the report was accepted.

Sent down for concurrence.

Came up concurred.

Thanks to the President. Mr. Russell, Mr. Adams in the chair, offered the following resolution, which was advocated by Messrs. White of Plymouth, Coffin, Hill, Flatley and Palmer, and unanimously adopted: —

Resolved, That the thanks of the Senate be presented to its president, the Hon. John B. D. Cogswell, for the ability, dignity, courtesy, and impartiality with which he has presided over its deliberations, and conducted its business.

The president, resuming the chair, addressed the Senate as follows: —

Senators: —

In accepting position, a public officer, if a conscientious man, pledges himself to a faithful discharge of its duties, according to the best of his ability. If he succeeds in filling the measure of the place, he is entitled to a recognition of the fact, but certainly not to thanks, for merely accomplishing what he considered himself capable and undertook to do. And yet I am by no means insensible to the very great kindness manifested by so many Senators in their remarks upon the resolution offered by the Senator from Middlesex. But I accept these sentiments in no

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vaunting or self-complacent spirit. Indeed, the mood in which I retire from this chair at the expiration of my second session as presiding officer of the Senate is a very different one. I have found that familiarity with the duties of the place by no means permits a relaxation from diligence, or inattention to business. The president, while yet fresh in his chair, will naturally be alert and critical, lest he be drawn into error. But when he has become easy, and feels quite at home, he will be apt to permit vigilance to sleep, confident in his general knowledge of parliamentary methods. Thus he is perhaps more prone to make trifling mistakes, which will mortify himself, if unnoticed or overlooked by others. So that, if I have ever permitted to myself the reflection that I had become really competent, some oversight, though perhaps quite unimportant, has suddenly checked the feeling of self-satisfaction. No one can so severely criticise our conduct as ourselves, if clear-sighted and conscientious; and, if our standard is high, we realize with humility, how far we have fallen short of it. Indeed, I should best express my own feeling by saying that this occasion and the generous sympathy which marks it are, nevertheless, so embarrassing, that I would have almost preferred the usual kind custom of the body had for once been set aside. And yet I have endeavored to conform my conduct to certain settled ideas of the obligations imposed by the position.

I conceive that the presiding officer of a deliberate assembly assumes certain peculiar duties with his seat. The more obvious are to familiarize himself with the principles of parliamentary law and the special rules of the body, to decide questions of order promptly yet upon full knowledge and due consideration, to assign committee work fairly yet with good judgment and an eye to adaptability, to preside with dignity and impartiality. But these duties are all included in the general formula: it should be his constant study, how to bring the business of the body to as speedy a conclusion as shall be consistent with thorough examination, deliberation, and determination. It is often said that the presiding officer is to aid the assembly in expressing its conclusion. This is only another form of expressing the same proposition.

The presiding officer, however, is in no sense to consider himself an overseer or driver, still less a dictator, over his fellow-members. He is not usually assigned to committee work, unless upon parliamentary law or the rules,

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and must therefore rely largely upon the judgment of those who have been informed by hearing and private discussion. He can, however, study the conformation of committees, and make them effective by his observation of individual character, tastes, and habits. He can accomplish most by private watchfulness and individual suggestions, which, according to my observation, are rarely, if ever, received unkindly.

Especially should the presiding officer keep himself informed of the general nature of all matters pending before the body. Every thing in the first instance passes once across his table. He should then inform himself of its apparent scope, so that he may recognize it when it assumes a definite form, to test the will of the assembly. He cannot know ordinarily all the reasons for or against the proposition, but he can learn its present position. He should also find time to scan in advance the business allotted to each day, thus appreciating in advance the progress it may be possible to make. And it should be his aim to promote industrious and laborious sessions, so far as may be consistent with due discussion and the rights of members. He should daily, and every day, set an example of patience, assiduity, resolution, and cheerfulness, in the despatch of business.

The weight of his influence should be well understood to be in favor of regular and thorough labor in the open sessions.

He should earnestly strive to be an attentive, courteous, and willing listener; as, knowing by experience, that enlightenment in debate sometimes comes late, and from quarters least expected. And yet it will occasionally be in his power to cut short a trifling or protracted discussion, without harsh or rude interference.

The presiding officer should be punctual in attendance. My friend, the Senator from Suffolk (Mr. Flatley) compliments me upon that head. He does not know how deeply I was disturbed, that the accident of a mistake as to time prevented my taking the chair promptly on one occasion. I beg the Senate now to accept my apology. To needlessly waste the time of a public body, is almost a crime; and an unintentional offence should be accounted for.

During the last session of the legislature, I was absent from one daily session; the present year I have been present every moment of every session. I have relinquished the chair four times in the course of the two annual ses-

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sions: twice upon the customary resolution like that now under consideration, once for the purpose of joining in the testimonial of regard and affection towards a distinguished deceased member of the legislature, and once to endeavor to impart some information upon a subject I thought myself called to speak upon.

I mention the circumstance for the purpose of saying that I think the presiding officer ought to preside. If he is fit for the place, he is the person who can most effectually despatch the business, because he is presumably familiar with the parliamentary law, the rules, and the routine of things; because, if he has done his duty, he knows more about the general condition of all the matters pending, than any other member, although less, perchance, about the merits of any particular thing. And the main object of the legislature is to get through with the business as soon and as well as possible; so neither branch can afford to lose its presiding officer very often, if capable. Besides, there is danger of favoritism or injustice in the case of a substitute. A member may be successful if placed in the chair, and yet, if frequently called there, he is so far the presiding officer at the will of one member; and an injustice may be done other members equally fit. But, if a large number of members are called in succession to the chair, certain of them are quite likely to fail, and confusion and embarrassment are the consequence. Of course there may be many circumstances calling for a modification of this rule; but, as a practice, the president had better do what he was chosen to do.

I am equally certain he ought not ordinarily to participate in debate. In the first place, he has usually heard nothing in committee, and the cases are rare where his knowledge is special and peculiar. I before remarked that I had participated in but one general debate: I felt myself impelled at the moment by a sense of duty; but the next day I saw that it had been unnecessary, after all. The presiding officer is set one side to promote dignity, good order, and good temper, in the body. If he comes down from the chair but seldom, his words in debate will be quite likely to have more weight than they deserve; and he ought therefore to be very sure there is a necessity for speech on his part. If, on the other hand, he speaks frequently, the prestige of the position is speedily gone, and he has weakened his force and influence as a presiding officer, which he was under an implied obligation to retain unimpaired.

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Of course it would be mere trifling to say that the presiding officer should never be tempted to enter debate for the purpose of display, or to promote personal popularity upon a popular occasion, or to relieve any momentary irritation. When he takes the chair he impliedly accepts certain compensations as an equivalent for the excitements, the pleasures, or the triumphs of debate.

Under our rules, the presiding officer may vote in all cases. He ought, therefore, to mature his opinion, so as to be ready promptly to express it by vote if there is occasion. It is, however, better, in my judgment, and more conducive to the preservation of the due influence of the chair, if he refrains from voting where the question is clearly decided without his intervention, or where it is not one of great importance. If it is one upon which he has a clear conviction, his duty to the public requires him to express it.

Debate has been unusually abundant during the present session. This is by no means to be regretted. It has been a reproach upon this body, that measures seemed to be adopted rather by mutual arrangement and accommodation than after full discussion, and in the light of information given and received. The Senate is so small, that, with patient sittings, there is little danger its business will be clogged by long debates, or that it will fall behind the House in progress.

I beg leave, however, to protest against the practice of special assignments, which gives certain subjects undue prominence to the injury of others equally important, dislocates the routine of business, and needlessly fosters and encourages elaborate efforts in debate. The previous question will never become necessary here, unless special assignments become the confirmed habit of the Senate.

It is to me profoundly gratifying to be able here to speak of the very satisfactory character of the present Senate. Not for many years, in my opinion, has the reputation of the body been as high as it now stands. Its business has been transacted with reasonable industry and with more than ordinary ability.

I should be less than human, were I not now to acknowledge the great warmth and consideration which have colored the expressions of Senators towards myself to-day; still more the extreme and almost tender kindness with which I have been uniformly treated by every member of this body. I wish I had deserved the generous praise Senators have lavished upon me. In return, I can

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truly say that I entertain high respect for each and every member. I hope there does not exist in the mind of any one a feeling that I have failed to act impartially or kindly towards him. If so, I beg to assure him that the error was unintentional, and that I depart with the kindest regard for all and each. Nearly half of the present Senate were also members in 1877; and by those I may be permitted again to allude to the sudden decease of our much-respected associate, Mr. Whicher of the First Norfolk District, in the very lusty prime of manhood, just after he had accompanied us in our visit to the battle-field of Bennington. We looked with melancholy interest upon his successor in the present Senate, Mr. Barker, whose pallid countenance and failing breath soon impressed us with the melancholy forebodings that human resolution was unavailing to oppose the dread decree, and prepared us for the "obsequy and funeral train" that speedily followed. Now, as we are about to separate, our hearts are saddened by the sudden bereavement of our most efficient and amiable Sergeant-at-arms, whose household is darkened by the loss of wife and mother.

Otherwise we separate in high health and strength, and in these smiling hours of the matured spring. We part, and we shall not all meet here again. Some, doubtless, will return to these seats. I venture to express my fervent hope, nay, my confident expectation, that some whom I see about me, young, vigorous, and capable, will be able to discharge other and even more distinguished public service. And you will permit me, I am sure, with feelings of profound sincerity, to utter in farewell the aspiration that you may all enjoy peace, happiness, and domestic affection.

Mr. Coffin offered the following resolution: —

Thanks to the Clerk.

Resolved, That the thanks of the Senate are hereby extendered to Hon. Stephen N. Gifford for the efficient and acceptable manner in which he has performed the duties of clerk, and in appreciation of the uniform courtesy and readiness with which he has given to all the benefits of his large knowledge and experience in matters of legislation.

On motion of Mr. Ewing,

Thanks to the Chaplain.

Ordered, That the thanks of the Senate be tendered to the Rev. Isaac Dunham for his faithful and acceptable services as chaplain of the Senate.

On motion of Mr. Flatley,

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Assistant Clerk.

Ordered, That the thanks of the Senate be tendered to Hilton F. Hosmer for the uniformly faithful and courteous discharge of the duties of assistant clerk of the Senate.

Bills enacted and laid before Governor.

The following engrossed bills (the first five of which originated in the Senate) passed to be enacted, to wit: —

To prevent frands upon corporations.

To amend an act to establish a reformatory prison for women.

Relating to replevin bonds.

Relating to the Troy and Greenfield Railroad in the State of Vermont, otherwise known as the Southern Vermont Railroad, and certain railroads in Vermont, to be constructed, to connect with the Troy and Greenfield Railroad.

In relation to the penal and reformatory institutions of the Commonwealth.

In relation to the collection of taxes.

In addition to an act in relation to the metric system of weights and measures.

To provide for a union passenger station at North Adams.

To amend an act providing for an increase in the number of assistant watchmen employed at the State prison.

Making appropriations for the improvement and maintenance of the Troy and Greenfield Railroad and Hoosac Tunnel.

Regulating the fees of officers in making attachments of personal property.

To apportion and assess a state tax of one million dollars.

To permit the establishment of a union freight depot in Greenfield.

Relative to the establishment of a passenger station in Greenfield and reimbursements for land damages in that town.

Relative to the taxation of the property of certain manufacturing companies, copartnerships and associations.

Providing for the submission to arbitration of the demands of George Clapp and Frederick K. Ballou against the Commonwealth.

To provide additional pay to poor and indigent soldiers and sailors.

Making appropriations to meet certain expenditures authorized the present year, and for other purposes.

In addition to an act making appropriations to meet certain expenditures authorized the present year, and for other purposes.

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Resolves passed and laid before Governor.

The following engrossed resolves (all of which originated in the House) passed, and, with the above-named bills, were laid before the governor for his approval, to wit: —

In favor of the State Lunatic Hospital at Danvers.

In relation to improvements and repairs of the State House.

Relative to the printing and issue of the code of regulations for the Massachusetts Volunteer Militia.

In favor of Charles Fisher of Westport.

Providing for repairs on the State House.

In favor of Thomas Cahill.

Relative to the claim of Amaziah Mayo and George G. Baker, for the construction of the reformatory prison for women at Sherborn.

On motion of Mr. Coffin,

Money bills.

Ordered, That when the president shall receive the opinions of the honorable justices of the supreme judicial court in reply to the questions proposed to them by the Senate, the same be printed and be entered upon the journal of the Senate, and the clerk be requested to send copies of the opinions to the several members of the legislature; and also the ruling of the president upon the questions relating to money bills.

On motion of Mr. Adams,

Prorogation.

Ordered, That a committee be appointed, to be joined, to consist of three on the part of the Senate, with such as the House may join, to wait upon his excellency the governor, and inform him that the two branches have disposed of all the public business that has been referred to them, and to request him, with the advice and consent of the Council, to prorogue them to the Tuesday next preceding the first Wednesday in January next.

And Messrs. Adams, Ropes and Beal were appointed the committee on the part of the Senate.

Sent down to be joined.

Came up, and Messrs. Fairbank of Oakham, Prescott of Boston, Wentworth of Boston, Jones of Lynn, Ellis of Melrose, Cunningham of Somerville, Cooke of Lenox, Hildreth of Lunenburg, and Billings of Hatfield are joined.

Subsequently Mr. Adams from the above-named committee, reported that they had attended to the duty assigned them, and that the governor would forthwith transmit a message to the Senate by the secretary of the Commonwealth.

Soon after the secretary came in and informed the Senate

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that His Excellency had signed 284 bills and 48 resolves, being all that the General Court had placed before him for his approval.

And the Secretary further informed the Senate, that, in accordance with the request of the two branches, it was his pleasure, by and with the advice and consent of the Council, to prorogue them to the Tuesday next preceding the first Wednesday of January next.

And the General Court was prorogued accordingly.

Attest:

STEPHEN N. GIFFORD,
Clerk of the Senate.

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APPENDIX.

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[No. 1.]

ANNUAL REGISTER

OF THE

Executive and Legislative Departments

OF THE

GOVERNMENT OF MASSACHUSETTS,

1878.

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EXECUTIVE DEPARTMENT.

NAME AND OFFICE.	Residence.	Date of Birth.	Native Place.	Occupation.	First year in office.
Alexander H. Rice, *Governor*	Boston	Aug. 30, 1818,	Newton	Merchant	1876.
Horatio G. Knight, *Lieutenant-Governor*	Easthampton	Mar. 24, 1817,	Easthampton	Manuf. & Merchant,	1852.[1]
Joseph K. Baker, *Councillor*, Dist. No. 1	Dennisport	Oct. 8, 1827,	Dennis	Merchant	1869.[2]
Harrison Tweed, " " 2	Taunton	Feb. 17, 1806,	South Reading,	Taun. Loco. Works,	1852.[1]
Francis Childs, " " 3	Boston	July 28, 1820,	Charlestown	Merchant	1864.
William W. Tucker, " " 4	Boston	Mar. 18, 1818,	Boston	Merchant	1878.
Harmon Hall, " " 5	Saugus	July 22, 1818,	Portland, Me.	Manufacturer	1860.[1]
Joseph A. Harwood, " " 6	Littleton	Mar. 26, 1827,	Littleton	Manuf. & Farmer	1875.[3]
William Upham, " " 7	Spencer	Feb. 27, 1825,	Brimfield	Manufacturer	1857.[1]
Tilly Haynes, " " 8	Springfield	Feb. 13, 1828,	Sudbury	Merchant	1868.[1]
George H. Campbell, *Governor's Priv. Sec'y*,	Boston	Sept. 22, 1850,	Amherst, N.H.	Lawyer	1875.

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Heads of Departments—					
Henry B. Peirce, *Secretary*	Abington .	Aug. 6, 1841,	Duxbury . .	Insurance Broker .	1876.
Charles Endicott, *Treasurer*	Canton . .	Oct. 28, 1822,	Canton . .	Lawyer . . .	1870.
Julius L. Clarke, *Auditor*	Newton . .	Nov. 11, 1813,	Portland, Conn.	Editor . . .	1859.
Charles R. Train, *Attorney-General* . .	Boston . .	Oct. 18, 1817,	Framingham .	Lawyer . . .	1847.
James A. Cunningham, *Adjutant-General* .	Gloucester .	Nov. 27, 1830,	Boston . .	Farmer . . .	1866.

[1] House of Representatives. [2] In House, 1869; in Senate, 1872; in Council, 1875. [3] Senate.

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LEGISLATIVE DEPARTMENT.

SENATE.

J. B. D. COGSWELL, PRESIDENT.

DISTRICTS.	SENATORS.	Residence.	Date of Birth.	Native Place.	Occupation.	1st year in Leg.
SUFFOLK COUNTY.						
First District	Henry B. Hill	Boston	Nov. 16, 1823,	Salem	Cooper	1872.[1]
Second "	Marcellus Day	"	July 27, 1834,	Gloucester	Manufacturer	1860.[1]
Third "	M. J. Flatley	"	– –	Ireland	Hotel-keeper	1875.[2]
Fourth "	James White	"	July 9, 1828,	Hinsdale	Retired Merchant,	1876.[1]
Fifth "	Thomas Gogin	"	Feb. 29, 1824,	Stamford, Conn.	Supt. Iron-works,	1878.[2]
Sixth "	Alvah A. Burrage	"	May 30, 1823,	Leominster	Retired Merchant,	1867.[1]
Seventh "	Albert Palmer	"	Jan. 17, 1831,	Candia, N.H.	Ice-business	1872.[1]
Eighth "	Joseph S. Ropes	"	Feb. 6, 1818,	Boston	Merchant	1875.[1]
ESSEX COUNTY.						
First District	Amos F. Breed	Lynn	Oct. 15, 1830,	Lynn	Shoe-manufact'r	1865.[1]
Second "	James J. H. Gregory,	Marblehead	Nov. 7, 1826,	Marblehead	Seedsman	1877.[2]
Third "	Allan Rogers	Gloucester	Sept. 6, 1832,	E. Bridgewater	Merchant	1878.[2]
Fourth "	George W. Cate	Amesbury	Mar. 10, 1834,	Northwood, N.H.	Lawyer	1878.[2]
Fifth "	Jackson B. Swett	Haverhill	Feb. 12, 1815,	Haverhill	Shoe-manufact'r	1876.[1]
Sixth "	Byron Truell	Lawrence	Nov. 23, 1834,	St. Johnsbury, Vt.	Merchant	1875.[1]
MIDDLESEX COUNTY.						
First District	Benj. F. Hayes	Medford	July –, 1835,	Berwick, Me.	Lawyer	1872.[1]
Second "	Robert R. Bishop	Newton	Mar. 31, 1834,	Medfield	"	1874.[1]
Third "	Chas. Theo. Russell,	Cambridge	Nov. 20, 1815,	Princeton	"	1844.[1]

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Fourth District	Luther H. Sherman,	Wayland	Jan. 3, 1838,	Wayland	Farmer	1877.[2]
Fifth "	Amos J. Saunders	Pepperell	Aug. 3, 1826,	Rowley	Merchant	1873.[1]
Sixth "	Abraham B. Coffin	Winchester	Mar. 31, 1831,	Gilead, Me.	Lawyer	1875.[1]
Seventh "	James C. Abbott	Lowell	June 3, 1825,	Andover	Attorney-at-law	1878.[2]
Worcester County.						
First District	George S. Barton	Worcester	July 18, 1825,	Millbury	Manufacturer	1877.[2]
Second "	William Knowlton	Upton	– –	– –	– –	–
Third "	Ebenezer B. Lynde	W. Brookfield,	Aug. 31, 1823,	West Brookfield,	Farmer	1877.[2]
Fourth "	Charles Adams, jun.,	N. Brookfield,	Jan. 31, 1810,	Antrim, N.H.	Pres. Sav'gs Bank,	–
Fifth "	Charles H. Merriam,	Leominster	Mar. 1, 1822,	Westport, N.Y.	Lawyer,	1869.[1]
Hampden County.						
First District	Charles L. Gardner	Palmer	May 26, 1839,	Cummington	Lawyer,	1875.[1]
Second "	Henry C. Ewing	Holyoke	Jan. 15, 1844,	Littleton, N.H.	Real Estate	1877.[2]
Hampshire County.						
Hampshire District	Lewis N. Gilbert	Ware	Jan. 25, 1836,	Pomfret, Conn.	Woollen-manuf.	1877.[2]
Franklin County.						
Franklin District	Henry Winn	Buckland	Dec. 8, 1837,	Whitingham, Vt.	Lawyer	1877.[1]
Berkshire County.						
North Berkshire District,	Frederick P. Brown,	No. Adams	Mar. 31, 1840,	Whitingham, Vt.	Lawyer	1871.[1]
South " "	Horace J. Canfield	Stockbridge	– 1834,	New-York City	– –	1877.[1]
Norfolk County.						
First Norfolk District	Henry F. Barker[3]	Quincy	Oct. 12, 1838,	Quincy	Stone-contractor	1877.[1]
	William A. Hodges,	Quincy	May 15, 1834,	Petersham	Baker	1875.[1]
Second " "	Frederick D. Ely	Dedham	Sept. 24, 1838,	Wrentham	Lawyer	1873.[1]
Plymouth County.						
First Plymouth District	Joseph S. Beal	Kingston	Aug. 7, 1814,	Kingston	Lawyer	1846.[1]
Second " "	Jonathan White	Brockton	Aug. 22, 1819,	Holbrook	Attorney-at-law	1864.[1]

[1] House of Representatives. [2] Senate. [3] Died during the session. Succeeded by Mr. Hodges.

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Districts.	Senators.	Residence.	Date of Birth.	Native Place.	Occupation.	1st year in Leg.
Bristol County.						
First Bristol District	Ezra Davol	Taunton	Jan. 19, 1838,	Johnston, R.I.	Publisher	1878.[2]
Second " "	Charles J. Holmes	Fall River	Mar. 4, 1834,	Rochester	Banking	1873.[1]
Third " "	H. M. Knowlton	New Bedford,	May 20, 1847,	Durham, Me.	Attorney-at-law	1876.[1]
Barnstable, Nantucket and Dukes Counties.						
Cape District	J. B. D. Cogswell	Yarmouth	June 6, 1829,	Yarmouth.	Attorney	1857.[1]

[1] House of Representatives. [2] Senate.

OFFICERS OF THE SENATE.

Name and Office.	Residence.	Date of Birth.	Native Place.	First year in office.
Stephen N. Gifford, *Clerk*	Duxbury	July 21, 1815,	Pembroke	1858.
Isaac Dunham, *Chaplain*	Bridgewater.	Jan. 30, 1813,	Plymouth	1876.
O. F. Mitchell, *Sergeant-at-Arms*	Bridgewater.	1838,	Wareham	1875.

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HOUSE OF REPRESENTATIVES.

JOHN D. LONG, SPEAKER.

DISTRICTS.	REPRESENTATIVES.	Residence.	Date of Birth.	Native Place.	Occupation.	1st year in Leg.[1]
SUFFOLK COUNTY.						
No. 1	Eben. M. McPherson,	Boston	Oct 24, 1836,	Shelburne, N.S.	Merchant	1876.
	Edwin R. Webster	"	Feb. 20, 1831,	Cabot, Vt.	Stable-keeper	1878.
	James L. Walsh	"	Mar. 28, 1843,	Boston	Attorney-at-law	1877.
2	Syd. F. Whitehouse	"	Mar. 28, 1822,	Minot, Me.	Building Cont'r	1868.
	Freeman L. Gilman	"	June 23, 1830,	Gilford, N.H.	Granite-dealer	1878.
3	Eugene L. Norton,	"	Mar. 26, 1825,	Livermore, Me.	Manuf. & Farmer,	1859.
4	John Turner	"	Jan. 23, 1827,	Salem, Me.	Paver & Cont'r	1877.
	Charles R. Byram	"	July 25, 1844,	Lowell	Journalist	1878.
5	Nahum Chapin	"	July 16, 1820,	Jamaica, Vt.	Manufacturer	1877.
	Anthony C. Daly	"	Oct. 11, 1853,	Boston	Attorney-at-law	1878.
6	Cornelius Desmond	"	May 11, 1838,	Boston	Printer.	1877.
	Daniel Doherty	"	Apr. 8, 1838,	Donegal, Ireland,	Grocer	1877.
7	Sam'l H. Wentworth,	"	– –	Sandwich, N.H.	Attorney-at-law	1877.
	James L. Locke	"	May 14, 1832,	Epsom, N.H.	Restaurant-keeper,	1868.
8	Francis Gargan	"	Dec. –, 1846,	Boston	Law Student	1878.
	Edwin F. Leighton	"	Dec. 8, 1839,	Lowell	Telegrapher	1878.
9	George W. Lowther	"	Jan. 9, 1822,	Edenton, N.C.	Hair-dresser	1878.
	Clement H. Hill	"	June 7, 1836,	London, Eng.	Counsellor-at-law	1877.
10	Alex'r Wadsworth	"	May 6, 1806,	Hiram, Me.	Civil Engineer	1876.

[1] In House, unless otherwise specified.

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Districts.	Representatives.	Residence.	Date of Birth.	Native Place.	Occupation.	1st year in Leg.
Suffolk Co. — *Con.*						
No. 11	Hamilton A. Hill	Boston	Apr. 14, 1827,	London, Eng.	Retired Merchant.	1878.
	Charles J. Prescott	"	Feb. 15, 1838,	Boston	Coal & Wood Deal.	1877.
12	Edward J. Jenkins	"	Dec. 20, 1854,	London	Lawyer	1877.
	Patrick F. Murphy	"	July 25, 1855,	Boston	Book-keeper	1878.
13	James T. Mahony	"	July 25, 1843,	Kilworth, Ireland,	Harness-maker	1875.
	John B. Shea	"	Aug. 15, 1851,	Boston	Book-keeper.	1878.
14	Alonzo Bancroft	"	June 4, 1820,	Union, N.Y.	Chair-maker	1877.
	Charles J. Noyes	"	Aug. 7, 1841,	Haverhill	Counsellor-at-law.	1866.
15	Stephen A. Stackpole,	"	Oct. 26, 1819,	Parsonsfield, Me.	Trader.	1878.
	Alonzo Warren	"	June 4, 1827,	Charleston, Vt.	Water-wheel Manf.	1876.
16	Frederic A. Marden.	"	Nov. 18, 1843,	New York	Physician	1878.
	Joseph H. O'Neil	"	Mar. 23, 1853,	Fall River	Carpenter	1878.
17	John Q. A. Brackett,	"	June 8, 1842,	Bradford, N.H.	Lawyer	1877.
	Albert E. Pillsbury.	"	Aug. 19, 1849,	Milford, N.H.	"	1876.
18	Charles H. Allen	"	June —, 1828,	Boston	Merchant	1878.
	Henry D. Hyde	"	Apr. 18, 1838,	Southbridge	Lawyer	1878.
19	Charles V. Jaeger	"	Dec. 21, 1846,	Germany	Hotel-keeper	1878.
	James H. Nugent	"	Nov. 1, 1831,	Boston	Fresco-painter	1878.
20	William S. King	"	Oct. 6, 1818,	New-York City	— —	1855.
	Payson E. Tucker	"	May 16, 1834,	Dorchester.	Counsellor-at-law.	1878.
21	William Blanchard	"	July 3, 1821,	Boston	Merchant	1878.
	John F. Newton	"	Jan. 15, 1829,	Roxbury	Provision-dealer	1877.
22	William H. Carberry,	"	Feb. 22, 1849,	Roxbury	Iron-moulder	1878.
23	Matthew Bolles	"	June 11, 1807,	Ashford, Conn.	Banker	1878.
	Henry A. Johnson	"	Mar. 18, 1818,	Charlestown	Merchant	1878.

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No. 24	Frederick P. Moseley,	Boston	Sept. 20, 1826,	Boston	Iron-merchant	1875.
	Joseph Wiswell	"	Feb. 5, 1816,	Portland, Me.	Merchant Tailor	1877.
25	George A. Wilson	"	Dec. 21, 1825,	Pepperell	Real Estate	1877.
26	William Robinson	Chelsea	Jan. 6, 1835,	Boston	Sail-maker	1877.
	Eben Hutchinson	"	Aug. 2, 1841,	Athens, Me.	Counsellor-at-law	1878.
	Ensign Kimball	Revere	Oct. 7, 1818,	Tamworth, N.H.	Farmer	1853.

ESSEX COUNTY.

No. 1	Jason Langdon Curtis,	Rockport	Nov. 15, 1824,	Kenneb'port, Me.	B'ksmith, Mechan.	1878.
2	Edward H. Haskell	Gloucester	Oct. 5, 1845,	Gloucester	Paper-business	1878.
	Charles H. Wonson	E. Gloucester	Aug. 9, 1843,	E. Gloucester	Clerk	1878.
3	Jesper Richardson	Gloucester	Mar. 7, 1821,	Middleton	Trader & Manuf.	1878.
4	Israel W. Andrews	Danvers	July 1, 1820,	Danvers	Laborer	1855.
5	John I. Baker	Beverly	Aug. 16, 1812,	Beverly	Real Estate Deal.	1840.
6	Charles H. Chase	Salem	Apr. 1, 1835,	Salem	White-lead Manf.	1877.
	Charles S. Osgood	"	Mar. 13, 1839,	Salem	Lawyer	1874.
7	John Jackson	"	May 6, 1822,	Boston	Last Manuf.	1878.
	Henry W. Putnam	"	July 20, 1843,	Salem	Man. Salem Press	1876.
8	Lewis Carroll	Marblehead	Oct. 10, 1845,	Marblehead	Shoe-cutter	1878.
	Benjamin A. Phillips,	"	Sept. 8, 1838,	Marblehead	Retail Dealer	1878.
9	James H. Richards	Lynn	Sept. 1, 1839,	Lynn	Shoe-cutter	1877.
10	Augustine Jones	"	Oct. 16, 1835,	China, Me.	Lawyer	1878.
	Nathan M. Hawkes	"	Nov. 1, 1843,	Lynnfield	"	1875.
	John Marlor	"	Sept. 29, 1845,	England	Shoe-cutter	1878.
11	Sam'l S. McGibbons,	"	Aug. 26, 1826,	Bedford Co., Pa.	Shoe-manufact'r	1878.
12	James E. T. Bartlett,	Peabody	July 19, 1825,	Amesbury	Currier	1876.
13	Joseph Whitehead	Saugus	May 20, 1823,	Yorkshire, Eng.	Grocer	1878.
14	John Cornell	Andover	Sept. 6, 1830,	Wilmington	Wood & Coal Deal.	1878.
15	Asa Frederic Howe	Rowley	Jan. 31, 1845,	Rowley	Farmer	1878.

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Districts.	Representatives.	Residence.	Date of Birth.	Native Place.	Occupation.	1st year in Leg.
Essex Co. — *Con.*						
No. 16	John Wesley Ricker,	Newburyport.	Mar. 4, 1824,	Rochester, N. H.	House & Sign Pr.	1878.
	Eben F. Stone.	Newburyport.	Aug. 3, 1822,	Newburyport	Lawyer	1857.
17	Chauncey O. Noyes,	Georgetown	Nov. 16, 1840,	Mt. Desert, Me.	Carpenter	1878.
18	Samuel Coffin	Salisbury	Oct. 9, 1827,	Salisbury	Boat-builder	1878.
	James Davis Pike	Merrimac	Feb. 26, 1829,	Salisbury	Grocer	1864.
19	Wm. Allen Brooks	Haverhill	Apr. 2, 1835,	Buxton, Me.	Dry-goods	1878.
	John W. Tilton	"	Aug. 20, 1844,	Haverhill	Shoe-manufact'r	1877.
	Edmund P. Sargent,	Methuen	Oct. 15, 1823,	Amesbury	Farmer	1878.
20	Michael Rinn	Lawrence	Aug. 17, 1846,	Ireland	Bookseller & Stat'r,	1878.
	Abel Webster	"	Mar. 6, 1818,	Wilton, Me.	Iron-founder	1878.
21	Melvin Beal	"	Oct. 31, 1832,	Guilford, Me.	Officer H. Correc.	1878.
	Levi Emery	"	Aug. 12, 1817,	Salem, N.H.	Farmer	1877.
Middlesex County.						
No. 1	Levi L. Cushing, jun.	Cambridge	Oct. 17, 1825,	Boston	Assessor	1874.
	Edwin B. Hale	"	June 16, 1839,	Orford, N.H.	Lawyer	1878.
	Lucius R. Paige	"	Mar. 8, 1802,	Hardwick	Author	1878.
2	Oliver J. Rand	"	Apr. 3, 1820,	Exeter, N.H.	Bookbinder	1877.
	Charles F. Thurston,	"	Aug. 28, 1844,	Cambridge	Manufacturer	1877.
3	Joseph J. Kelley	"	Nov. 28, 1842,	Ireland	Cabinet-maker	1877.
4	Rich'd E. Nickerson,	Somerville	Apr. 29, 1830,	Provincetown	Merchant	1878.
5	Thos. Cunningham	"	Jan. 3, 1815,	Groton	Real Estate	1877.
6	Jacob T. Glines	"	July 20, 1817,	Moult'boro', N.H.	Merchant	1878.
7	John H. Hooper	Medford	May 5, 1833,	Walpole	House-carpenter	1878.
8	Elisha S. Converse	Malden	July 28, 1820,	Needham	Tr. Bos. R. Shoe Co.	1878.
	George S. Marshall,	Everett	June 18, 1833,	Nashua, N.H.	Clerk	1878.

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No. 9	W. Irving Ellis	Melrose	Sept. 25, 1829,	Plympton	Real Estate	1877.
10	George A. Cowdrey,	Stoneham	Apr. 9, 1848,	Stoneham	Clerk	1878.
11	Solon Walton	Wakefield	Oct. 11, 1830,	Wakefield	Shoe-finisher	1878.
12	Gardner French	Reading	Jan. 13, 1811,	Tewksbury	Farmer	1878.
13	L. Thompson, jun.	Woburn	Nov. 21, 1817,	Woburn	Hardware, etc.	1877.
14	William G. Peck	Arlington	Mar. 12, 1841,	Boston	Commission	1878.
15	Robert Lewis Davis,	Watertown	Dec. 3, 1822,	Concord, N.H.	Gauger	1878.
16	Charles E. Ranlett	Newton	Nov. 9, 1816,	Montville, Me.	– –	1877.
	Levi C. Wade	"	Jan. 16, 1843,	Alleg. City, Pa.	Lawyer	1876.
17	David Randall	Waltham	Feb. 24, 1818,	Richmond, N.H.	Commis. Merchant,	1877.
18	John Winn	Burlington	July 3, 1828,	Burlington	Farmer	1878.
19	William Manning	Chelmsford	Oct. 29, 1823,	Billerica	Farmer & Manuf.	1878.
20	Patrick Keyes	Lowell	Jan. 6, 1830,	Ireland	Grocer	1877.
21	William A. Read	"	Oct. 10, 1849,	Lowell	Dry-goods	1877.
22	Albert Moors	"	Aug. 3, 1828,	Lowell	Fin'r Cot. Goods	1878.
23	Francis Carll	"	Oct. 29, 1825,	Waterboro', Me.	Contractor, etc.	1877.
24	William H. Wiggin,	"	Aug. 1, 1823,	Epping, N.H.	Cont'r & Builder	1878.
25	Henry H. Wilder	"	Jan. 16, 1824,	Leominster	Merchant	1877.
26	George Minott Baker,	Lincoln	Apr. 24, 1826,	Lincoln	Farmer	1878.
27	Myron Wallace Bent,	Wayland	Sept. 19, 1849,	Wayland	Book-keeper	1878.
28	Noah L. Hardy	Natick	Aug. 18, 1828,	Hollis, N.H.	Sole-leather Cutter,	1878.
29	Sydney Wilder	Holliston	Sept. 15, 1813,	Lancaster	Cop. Pump Manuf.	1878.
30	John Mahon	Hopkinton	Mar. 20, 1832,	Ireland	Dry-goods & Groc's,	1878.
31	Charles S. Whitmore,	Framingham	Dec. 6, 1815,	Framingham	Coal-dealer	1877.
32	Simon H. Howe	Marlborough	Dec. 21, 1835,	Hudson	Shoe-manufact'r	1878.
33	Solon Wood	Hudson	June 4, 1834,	Acton	Merchant	1878.
34	William Reed	Westford	Oct. 3, 1820,	Boston	Stone-business	
35	George V. Barrett	Ayer	July 10, 1839,		R.R. Ticket Agt.	1878.

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Districts.	Representatives.	Residence.	Date of Birth.	Native Place.	Occupation.	1st year in Leg.
Worcester County.						
No. 1	Zadok Arnold Taft	Uxbridge	Nov. 11, 1817,	Uxbridge	Farmer	1878.
2	William H. Cook	Milford	Jan. 7, 1843,	Bennington, Vt.	Editor	1877.
	Charles A. Davis	Upton	Sept. 9, 1847,	Upton	Clerk	1878.
3	Lucius M. Sargent	Grafton	Sept. 12, 1836,	Billerica	Clergyman	1878.
4	George O. Brigham	Westborough	Nov. 9, 1822,	Westborough	Bank-cashier	1878.
5	Lucius Field	Clinton	Aug. 15, 1840,	Northfield	Merchant	1878.
	James Hildreth, 2d	Lunenburg	May 29, 1839,	Shirley	Farmer	1878.
6	Luther J. Brown	Fitchburg	Dec. 31, 1827,	Eden, Vt.	Merchant	1878.
	Leander Sprague	"	Jan. 4, 1824,	Richmond, N.H.	"	1878.
7	Charles W. Bush	Gardner	Aug. 22, 1834,	Gardner	Town Treasurer	1878.
	Artemus Merriam	Westminster	July 21, 1818,	Westminster	Chair-manufact'r	1878.
8	J. Sumner Parmenter,	Athol	May 7, 1827,	Petersham	Merchant	1878.
9	Horace Underwood	Hubbardston	Nov. 16, 1828,	Hubbardston	Farmer	1863.
10	John B. Fairbank	Oakham	Aug. 8, 1839,	Oakham	Lawyer	1877.
11	William Howe	Holden	June –, 1814,	Holden	Manufacturer	1878.
12	Alvin B. Chamberlain,	Sturbridge	Dec. 16, 1842,	Sturbridge	Merchant	1878.
	George C. Lincoln	No. Brookfield,	Jan. 9, 1821,	Walpole, N.H.	Trader	1878.
13	James Howe Ames	Spencer	Mar. 19, 1842,	Cambridge	Merchant	1878.
	Calvin De W. Paige	Southbridge	May 20, 1848,	Southbridge	"	1878.
14	Josiah Perry	Dudley	Mar. 14, 1832,	Dudley	Woollen-manuf'r	1878.
15	George W. Rice	Sutton	Jan. 22, 1836,	Sutton	Lumber-dealer	1878.
16	Oliver B. Wyman	Shrewsbury	Sept. 16, 1826,	Shrewsbury	Farming	1878.
17	George F. Colburn	Leominster	Jan. 21, 1830,	Leominster	Comb-manufact'r,	1878.
18	Thomas J. Hastings,	Worcester	Jan. 24, 1835,	Camden, Me.	Manufacturer	1877.
19	William A. S. Smyth,	"	Jan. 22, 1824,	Portland, Me.	Insurance-agent	1878.
20	Frank Daniel Leary,	"	Apr. 29, 1854,	Worcester	Law-student	1878.

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No. 21	Phillips Moore	Worcester	– – 1835,	Ireland	Restaurant-keeper,	1878.
22	James H. Mellen	"	Nov. 7, 1845,	Worcester	Moulder	1877.
23	Frank P. Goulding	"	July 2, 1837,	Grafton	Lawyer	1877.
24	John D. Lovell	"	Apr. 30, 1818,	Worcester	Retired Merchant	1877.
25	John D. Washburn	"	Mar. 27, 1833,	Boston	Lawyer & Ins. Agt.	1876.
HAMPSHIRE COUNTY.						
No. 1	John Lord Otis	Northampton,	July 15, 1827,	Lyme, Conn.	Manufacturer	1878.
	Tim. G. Spaulding	"	July 30, 1851,	Ware	Attorney-at-law	1878.
2	Joseph Billings	Hatfield	Aug. 12, 1842,	Hatfield	Farmer	1878.
3	Matthew Smith	Middlefield	Sept. 18, 1814,	Middlefield	"	1878.
4	Martin W. Burnett	South Hadley,	Sept. 10, 1815,	South Hadley	Sash, Door, & Blind M'f'r.	1878.
5	Thomas R. Greene	Belchertown	Mar. 6, 1806,	Hallowell, Me.	Merchant	1878.
HAMPDEN COUNTY.						
No. 1	Pliny F. Spaulding	Brimfield	Apr. 10, 1821,	Jamaica, Vt.	Provision-dealer	1878.
2	Timothy D. Potter	Palmer	Apr. 12, 1840,	Wilbraham	Lumber-dealer	1878.
3	Jarvis P. Kelly	Chicopee	Aug. 2, 1833,	Renssel'ville, N.Y.	Pract'l Machinist	1878.
4	Theodore D. Beach	Springfield	Apr. –, 1821,	Sandisfield	Auctioneer	1875.
	William Pynchon	"	June 20, 1820,	Springfield	Retired Farmer	1878.
5	Leonard Clark	"	Nov. 18, 1821,	Hubbardston	Manufacturer	1855.
6	Rawson Hathaway	"	– – 1828,	Petersham	Carpenter & Joiner,	1878.
7	Marcus P. Knowlton,	"	Feb. 3, 1839,	Wilbraham	Lawyer	1878.
8	John H. Wright	Holyoke	June 24, 1843,	Ireland	– – –	1877.
9	E. P. Bartholomew	W. Springfield,	May 11, 1847,	Montgomery	Lawyer	1878.
10	Joseph G. Noble	Westfield	Nov. 26, 1837,	Westfield	Merchant	1878.
	Henry Salmon Stiles,	Montgomery	Sept. 29, 1818,	"	Farmer	1878.
11	Edwin Gilbert	Southwick	Jan. 31, 1820,	S. Windsor, Conn.	Lumber'g & Mill'g,	1869.

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Districts.	Representatives.	Residence.	Date of Birth.	Native Place.	Occupation.	1st year in Leg.
Franklin County.						
No. 1	James W. Emory	Orange	Sept. 8, 1826,	Orange	Mechanic	1878.
2	Ralph A. Field	Leverett	Mar. 7, 1837,	Leverett	Woollen-manuf.	1878.
3	Alanson K. Hawks	Shelb'rne F'ls,	Sept. 9, 1828,	Charlemont	Treas. Sav. Bank,	1876.
4	Charles P. Aldrich	So. Deerfield	Dec. 2, 1832,	Belchertown	Hotel-keeper	1878.
5	Orson B. Curtis	Colrain	Jan. 27, 1825,	Richmond, N.H.	Merchant	1878.
6	Nelson Gardner	Ashfield	Dec. 25, 1815,	Ashfield	Wood-ware Manf.	1854.
Berkshire County.						
No. 1	Daniel N. White	Hancock	Sept. 28, 1830,	Hancock	Farmer	1878.
2	Job K. Anthony	Adams	May 23, 1834,	Adams	Merchant	1877.
	Charles H. Ingalls	North Adams,	May 7, 1840,	Adams	Real Estate	1877.
3	Solomon N. Russell	Pittsfield	Aug. 1, 1822,	Conway	Woollen-manuf.	1876.
	Jarvis N. Dunham	"	May 1, 1828,	Savoy	Insur. Agent, etc.	1874.
4	John W. Curtice	Hinsdale	Dec. 12, 1839,	Danbury, N.H.	Apothecary	1878.
5	Sidney Barnes	Becket	Feb. 12, 1831,	Becket	Station-agent	1878.
6	Hiram N. Cooke	Lenox	Aug. 31, 1834,	Lenox	Merchant	1878.
7	William B. Bliss	Gt. Barringt'n,	Mar. 1, 1834,	Suffield, Conn.	Cigar-manuf.	1878.
8	Henry M. Wilcox	Sandisfield	Jan. 26, 1843,	New Hartford, Ct.	Merchant	1875.
Norfolk County.						
No. 1	Henry Clay Bonney	Dedham	July 13, 1841,	Dedham	Tax-collector	1878.
2	Edward I. Thomas	Brookline	Nov. 19, 1833,	Cincinnati, O.	– –	1877.
3	William J. Stuart	Hyde Park	Mar. 15, 1828,	Philadelphia, Pa.	Iron, Cop. Manuf.	1878.
4	Edward R. Eager	Canton	Nov. 9, 1830,	Cambridgeport	Tr.Kinsley Iron Co.	1878.
5	George F. Hayden	S. Weymouth,	Feb. 20, 1836,	Randolph	Boot-maker	1877.
	Benjamin S. Lovell	E. Weymouth,	July 10, 1845,	East Weymouth	Gun-dealer	1877.
	Edwin W. Marsh	Quincy	Oct. 21, 1821,	Quincy	Leather-dealer	1878.

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No. 6	Newton White	Holbrook	– – 1813,	Holbrook	Boot-manufacturer,	1878.
7	Francis W. Bird	Walpole	Oct. 22, 1809,	Dedham	Paper-maker	1847.
	John T. Flood	Randolph	Mar. 30, 1845,	Lowell	Boot-manufacturer,	1878.
8	James F. Leonard	Foxborough	Apr. 15, 1837,	Foxborough	Tr. Savings Bank,	1878.
	David A. Partridge	W. Medway	Apr. 8, 1833,	Milford	Ag't, Tr. Mallet Co.	1876.
9	John Humphrey	Dover	Dec. 11, 1826,	Hingham	Master Mariner	1878.
Bristol County.						
No. 1	Abijah T. Wales	Attleborough,	June 21, 1833,	Attleborough	Blacksmith	1878.
	George Price	"	Nov. 14, 1806,	"	Farmer	1878.
2	George C. Belcher	Easton	Aug. 26, 1844,	Easton	Iron-founder	1878.
3	John H. Galligan	Taunton	Sept. 11, 1851,	Taunton	Attorney-at-law	1878.
	John W. Hart	"	Nov. 8, 1826,	"	Brick-manuf.	1878.
	William Reed, jun.	"	Dec. 2, 1842,	Newburyport	Publisher	1878.
4	Elb. G. Morton, jun.	Fairhaven	Mar. 26, 1841,	Fairhaven	Machinist	1878.
5	Charles A. Case	New Bedford	Sept. 10, 1846,	New Bedford	Apothecary	1878.
	Rufus A. Soule	"	Mar. 16, 1839,	Mattapoisett	Boot & Shoe Manf.	1878.
6	Thos. B. Hathaway,	"	Dec. 5, 1825,	New Bedford	Master Mariner	1878.
	Israel C. Cornish	"	Nov. 5, 1850,	"	Civil Eng., etc.	1877.
7	Charles Fisher[1]	Westport	June 14, 1829,	Westport	Farmer	1878.
	W. Penn Macomber,	"	Jan. 18, 1832,	Grand Isle, Vt.	"	1878.
8	John W. Cummings,	Fall River	Aug. 26, 1855,	Stockport, Eng.	Lawyer	1878.
	Patrick M. McGlynn,	"	Mar. 9, 1853,	Lowell	Cotton-operative	1878.
	Hiram B. Coffin	"	Feb. 28, 1836,	Newburyport	Mil. & Hair Goods,	1878.
9	Pardon Macomber	"	– – 1832,	Westport	Painter	1877.
	Andrew J. Jennings,	"	Aug. 2, 1849,	Fall River	Lawyer	1878.
10	John A. Lewis	Dighton	Oct. 6, 1833,	Exeter, R.I.	Agriculturist	1878.
Plymouth County.						
No. 1	John D. Long	Hingham	Oct. 27, 1838,	Buckfield, Me.	Lawyer	1875.
2	Amos W. Merritt	Scituate	May 5, 1833,	Scituate	Sewing-mach. Op.	1878.

[1] Succeeded Feb. 12 by W. P. Macomber, contestant.

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Districts.	Representatives.	Residence.	Date of Birth.	Native Place.	Occupation.	1st year in Leg.
Plymouth Co. — *Con.*						
No. 3	William C. Oakman,	Marshfield	Jan. 20, 1809,	Marshfield	Carpenter	1878.
4	Philander Cobb	Kingston	Jan. 23, 1818,	Kingston	Trader	1878.
5	Charles E. Barnes	Plymouth	Oct. 31, 1840,	Plymouth	Grocer	1877.
6	Noble W. Everett	Wareham	Feb. 20, 1827,	Wareham	Farmer	1878.
7	James P. Peirce	Lakeville	Sept. 24, 1835,	Middleborough	"	1878.
8	Van Rensselaer Swift,	Bridgewater	Mar. 31, 1813,	Bridgewater	"	1853.
9	Ezekiel R. Studley	Rockland	Nov. 30, 1831,	Hanover	Clerk and Treas'r,	1864.
	Henry B. Packard	Brockton	Jan. 21, 1823,	Brockton	For. Shoe Manuf.	1878.
10	Baalis Sanford, jun.	"	Oct. 4, 1833,	E. Bridgewater	Merchant	1878.
11	Henry W. Powers	So. Abington,	Sept. 8, 1837,	Abington	Clerk	1878.
Barnstable County.						
No. 1	Isaiah Fish	Sandwich	Oct. 2, 1811,	Sandwich	Farmer	1878.
2	Andrew Lovell	Barnstable	Sept. 13, 1813,	Cotuit	Master Mariner	1878.
3	Thomas P. Howes	Dennis	Sept. 28, 1817,	Dennis	Ret'd Ship-master,	1878.
4	Abiathar Doane	Harwich	Aug. 16, 1820,	Harwichport	Master Mariner	1877.
5	Freeman Doane	Orleans	Apr. 7, 1819,	Orleans	Farmer	1876.
6	Henry Shortle	Provincetown,	Oct. 15, 1834,	Mathews Co., Va.	Dentist	1864.
Dukes County.						
No. 1	Benjamin Clough	Tisbury	— — 1825,	Monmouth, Me.	Master of a Ship	1878.
Nantucket County.						
No. 1	Henry Paddock	Nantucket	Apr. 7, 1838,	Nantucket	House-painter	1878.

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OFFICERS OF THE HOUSE.

NAME AND OFFICE.	Residence.	Date of Birth.	Occupation.	1st year in office.
George A. Marden, *Clerk*	Lowell	Aug. 9, 1839	Editor	1874.
Robert G. Seymour, *Chaplain*	Boston	– –	Clergyman	1873.
Oreb F. Mitchell, *Sergeant-at-Arms*	Bridgewater	– 1838	– –	1875.

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[No. 2.]

RULES AND ORDERS OF THE SENATE.

Of the Duties and Powers of the President.

RULE 1. To call the members to order, and cause the journal of the preceding day to be read.

RULE 2. To preserve order and decorum — To speak to points of order in preference to other members — To decide all questions of order, subject to appeal — To rise in putting a question, etc., but may read sitting.

RULE 3. To declare all votes; if doubted, a return to be ordered.

RULE 4. The President may vote on all questions.

RULE 5. President to order the Yeas and Nays, if one-fifth of the members present require them.

RULE 6. Concerning motions when a question is under debate, and the precedence thereof.

RULE 7. Motions undebatable.

RULE 8. President to name who may speak, when two or more members rise at once.

RULE 9. President may name member to take his place — Limitation thereof.

RULE 10. In absence of President, the senior member present to call the Senate to order — The election of a President *pro tem.* to be the first business.

Of the Rights, Duties, and Decorum of Members.

RULE 11. Members, when speaking, to address the President.

RULE 12. Limitation as to speaking.

RULE 13. Members not to interrupt another, except, etc.

RULE 14. Members not to speak to a question after it is put to vote.

RULE 15. Concerning the presentation of petitions, etc.

RULE 16. All motions to be reduced to writing, if the President so direct.

RULE 17. Concerning the reconsideration of votes.

RULE 18. Bills, etc., to remain in Clerk's possession until the right of reconsideration has expired.

RULE 19. Division of a question to be made if desired — Motion to strike out and insert.

RULE 20. Unfinished business to have the preference.

RULE 21. Members not to vote on questions where their private rights are concerned, distinct from the public interest.

RULE 22. Members not to absent themselves without leave, unless, etc.

RULE 23. Concerning the Yeas and Nays.

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Of Committees.

RULE 24. Requiring statements to be made to Committees relative to proposed alterations of laws.

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RULE 27. Order of question when motion is made to commit.

RULE 28. Reports of Committees not proposing final action, and of Committees of Conference, to be made the order of the day for the succeeding day.

RULE 29. No Committee to occupy the Senate Chamber without leave.

Of Bills and Resolves.

RULE 30. Concerning reports on petitions, notice of the presentation of which has not been published.

RULE 31. Restrictions on the introduction of.

RULE 32. Bills and resolves, how to be written — Not to be introduced by member without leave — When introduced, on leave, to be committed before second reading.

RULE 33. Bills, etc., from the House, to be committed, unless reported by a joint committee.

RULE 34. Bills, etc., not to be engrossed without three readings — Bills in the second and third readings to be made the order of the day for the succeeding day — Matters passed over, how disposed of.

RULE 35. Bills and resolves involving expenditure of money to be referred to the Committee on the Treasury.

RULE 36. Bills, etc., in their third reading, to be committed for examination.

RULE 37. Engrossed bills, etc., to be committed for examination — Bills reported as rightly and truly engrossed not to be again read, unless, etc.

RULE 38. No engrossed bill to be amended.

RULE 39. No rejected measure to be revived — This rule to apply to House as well as Senate measures.

Elections by Ballot.

RULE 40. Elections by ballot — time to be assigned therefor.

Senate Library.

RULE 41. Books to be in care of the Clerk — Clerk to keep account of all books delivered.

Reporters.

RULE 42. Reporters — seats for, to be numbered and assigned by lot.

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RULE 43. Seats not to be occupied by persons other than members.

RULE 44. Regulations respecting admission of persons to Senate Chamber and rooms adjoining.

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RULES AND ORDERS.

[The dates under each rule indicate the years of their adoption, and amendments thereto.

The date 1817 denotes the time that the several rules, against which it is placed, were first preserved, as, previous to that year, they are not to be found, although, from the Senate journal, it appears that they were printed.

Rule 32 was adopted in 1825. If any others were adopted between 1821 and 1826, no record can be found.

Numbers enclosed in brackets following *rule* number indicate corresponding Rules of the House.]

Of the Duties and Powers of the President.

RULE. 1. [1.] The President shall take the chair every day at the hour to which the Senate shall have adjourned, shall call the members to order, and, on the appearance of a quorum, shall proceed to business.

[1831.]

RULE 2. [2, 5.] He shall preserve order and decorum, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal. He shall rise to put a question, or to address the Senate, but may read sitting.

[1817; between 1821 and 1826; 1831.]

RULE 3. [3, 64.] He shall declare all votes; but, if any member rises to doubt a vote, the President shall order a return of the number voting in the affirmative and in the negative without further debate.

[1831.]

RULE 4. [4.] The President may vote on all questions.

[1826.]

RULE 5. [66.] When any member shall move that any question be taken by yeas and nays, the President shall take the sense of the Senate in that manner, provided one-fifth of the members present shall so direct.

[1817; 1852.]

RULE 6. [78.] When a question is under debate, the President shall receive no motion but to *adjourn*, to *proceed to the consideration of the special assignment*, to *lay on the table*, to *postpone to a day certain*, to *commit*, to *amend*, to *refer to the next General Court*, or to *postpone indefinitely*, which several motions shall have precedence in the order in which they stand arranged.

[Between 1821 and 1826; 1831; 1844; 1870.]

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RULE 7. [67, 77.] The motions to adjourn, to lay on table, to take from the table, and for the yeas and nays, shall be decided without debate.

[1817; 1859; 1870; 1874.]

RULE 8. [72.] When two or more members rise at once, the President shall designate which of these shall be entitled to the floor.

[1831.]

RULE 9. [7.] The President shall have the right to appoint a member to perform the duties of the chair, but such appointment shall not extend beyond three days.

[1831; 1862; 1865.]

RULE 10. [8.] In case of a vacancy in the office of President, or in case the President, or the member substituted by him in accordance with Rule No. 9, shall be absent at the hour designated in Rule No. 1, the senior member present shall call the Senate to order, and shall preside until a President or a President *pro tempore* shall be elected by ballot, which shall be the first business of the Senate.

[1831.]

Of the Rights, Duties, and Decorum of Members.

RULE 11. [71.] Every member, when he speaks, shall stand in his place, and address the President.

[1817; 1831; 1871.]

RULE 12. [74.] No member shall speak more than once on one question, to the prevention of any other who has not spoken and is desirous to speak, nor more than twice without obtaining leave of the Senate.

[1817.]

RULE 13. [73.] No member speaking shall be interrupted by another, but by rising to call to order.

[1817; 1831.]

RULE 14. After a question is put to vote, no member shall speak to it.

[1817.]

RULE 15. [35.] Every member presenting a Petition, Memorial, or Remonstrance, shall indorse his name thereon, and, in the filing thereof, state briefly the nature and object of the

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instrument; and the reading of the same shall be dispensed with, unless specially ordered by the Senate.

[1831.]

RULE 16. [75.] Any motion shall be reduced to writing, if the President so direct.

[1817; 1844; 1871.]

RULE 17. [68, 69.] When a vote has passed, except on motions specified in Rule 7, it shall be in order for any member to move a reconsideration thereof on the same or the succeeding day; and such motion, if made on the same day, shall be placed first in the Orders of the Day for the day succeeding that on which it is made; but, if first moved on such succeeding day, it shall be forthwith considered; and, when a motion for reconsideration is decided, that vote shall not be reconsidered: *provided, however*, that a motion to reconsider a vote, upon any collateral matter, shall not remove the main subject under consideration from before the Senate, but shall be considered at the time when it is made.

[1817; between 1821 and 1826; 1858.]

RULE 18. [15.] Bills, resolves, and other papers, in reference to which any member has a right to move a reconsideration (except petitions, enacted bills, orders of inquiry, and orders of notice), shall remain in the possession of the Clerk until the right of reconsideration has expired; *provided* that the operation of this rule shall be suspended during the last week of the session.

[1855; 1856; 1875.]

RULE 19. [89.] A question containing two or more propositions, capable of division, shall be divided whenever desired by any member. A motion to strike out and insert shall be deemed indivisible. But a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

[1817; 1841.]

RULE 20. [58.] The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the Orders of the Day, next after motions to reconsider.

[1830; 1870.]

RULE 21. [61.] No member shall be permitted to vote or serve on any committee on a question where his private right is immediately concerned, distinct from the public interest.

[1855.]

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RULE 22. No member shall absent himself from the Senate without leave, unless there be a quorum without his presence.

[1817.]

RULE 23. [62, 66.] Whenever a question shall be taken by yeas and nays, the Clerk shall call the names of all the members, except the President, in alphabetical order, and every member present shall answer to his name, unless excused before the vote is taken; and no member shall be permitted to vote after the decision is announced from the chair.

[1837; 1844.]

Of Committees.

RULE 24. [38.] It shall be the duty of every member of the Senate, who moves that any standing committee be instructed to inquire into the expediency of amending an existing law, to point out to such committee, in writing, the amendment which he deems expedient, and to furnish a written statement of the facts and authorities in favor thereof to such committee, if by them required.

[1858.]

RULE 25. [21.] The following standing committees shall be appointed at the commencement of the first session; to wit: —

A Committee on the Judiciary;

A Committee on Bills in the Third Reading;

And each of these committees shall consist of five members.

A Committee on Matters of Probate and Chancery;

A Committee on the Treasury;

A Committee on Engrossed Bills;

A Committee on Leave of Absence;

And each of these committees shall consist of three members.

[1831; 1836; 1840; 1844; 1847; 1863; 1864; 1870; 1876.]

RULE 26. [22, 23.] All committees shall be appointed by the President, unless otherwise specially directed by the Senate; and the person first named shall be Chairman. In all elections of committees by ballot, the person having the highest number of votes shall act as Chairman.

[1817; between 1821 and 1826; 1831.]

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RULE 27. [86.] When a motion is made to commit any subject, and different committees shall be proposed, the question shall be taken in the following order: A Standing Committee of the Senate; a Select Committee of the Senate; a Joint Standing Committee; a Joint Select Committee.

[1844.]

RULE 28. [55.] Reports of committees, except such as do not propose final action, and reports of Committees of Conference, shall, unless otherwise specially ordered, be placed in the Orders of the Day next succeeding that on which they shall be presented to the Senate.

[1845; 1853.]

RULE 29. [98.] No committee shall be allowed to occupy the Senate Chamber without leave of the Senate.

[1836; 1863.]

RULE 30. [30.] No bill or resolve affecting the rights of individuals, or private or municipal corporations, or the Commonwealth, shall be reported to the Senate by any committee, unless it shall be made to appear, to the satisfaction of the committee, that notice had been given in the manner provided by law; or unless such notice as the committee shall direct shall have been given, and proper proof of the same placed before the committee; or unless, in the judgment of the committee, no notice to the parties or the public is necessary.

[1870.]

RULE 31. [46.] No bill affecting directly the legal rights of individuals or corporations, otherwise than as it affects generally the interests of the whole people of the Commonwealth, or the cities or towns to which it specifically applies, shall be proposed or introduced, by amendment or otherwise, except by report of a committee, upon petition duly presented and referred.

[1875.]

Of Bills and Resolves.

RULE 32. [40, 45.] All bills and resolves shall be written in a fair, round hand, without interlineations, on not less than one sheet of paper, with suitable margins and spaces between the several sections or resolves. No bill or resolve shall be introduced by a member without special leave; and all bills and

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resolves, when so introduced, shall be committed before they are passed to a second reading.

[1844; 1857.]

RULE 33. [43.] All bills and resolves from the House of Representatives, after they are read a first time, shall be committed to a committee of the Senate, except when said bills or resolves shall have been reported by a joint committee.

[1825.]

RULE 34. [49, 56, 57.] No bill or resolve, or substitute therefor, shall pass to be engrossed without three readings on three several days. Bills and resolves in the first reading shall be read by their titles, unless otherwise ordered; and bills and resolves in the second and third readings shall be made the order of the day for the day next succeeding that on which leave shall have been given to read them a second or third time, and the President shall order them accordingly. After being placed in the Orders of the Day, matters not giving rise to any motion or debate shall be first disposed of in their order; then the remaining matters shall be considered in like order, and disposed of; and such as are by vote then passed over shall go to the foot of the list, and shall not be considered till the next day.

[1817; 1836; 1841; 1859; 1878.]

RULE 35. [42.] All bills and resolves involving the expenditure of public money shall, after the first reading, be referred in course to the Committee on the Treasury, whose duty it shall be to report on their relation to the finances of the Commonwealth.

[1871.]

RULE 36. [27.] All bills and resolves in the third reading shall be committed to the Committee on Bills in the Third Reading, whose duty it shall be to ascertain their relations to the Constitution, and any existing laws upon the same subject-matter, and to see that all such bills and resolves are correct in form.

[1817; 1836.]

RULE 37. [28, 50, 52.] All engrossed bills and resolves shall be committed to the Standing Committee on Engrossed Bills, whose duty it shall be carefully to compare the same with the bill as passed to be engrossed, and, if found by them to be rightly and truly engrossed, they shall so indorse on the envelope thereof; and the final question shall be taken thereon without any further reading, unless, on motion of any member, a majority of the Senate shall be in favor of reading the same as engrossed.

[1817; 1831.]

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RULE 38. [51.] No engrossed bill or resolve shall be amended.

[1837.]

RULE 39. [47.] When any measure shall be finally rejected, it shall not be revived except by reconsideration, and no measure *substantially* the same shall be introduced during the session.

[1817 — dispensed with in 1831, and revived in 1838 — amended in 1841; 1844; 1877.]

Elections by Ballot.

RULE 40. [94.] In all elections by ballot, a time shall be assigned for such election, at least one day previous thereto.

[1831.]

Senate Library.

RULE 41. The books belonging to the Senate Chamber shall be in the care of the Clerk, who shall keep an accurate list thereof; and no book shall be taken from the Senate Chamber by any person without giving notice thereof to the Clerk, who shall enter, in a book to be kept by him, the name of the book, and the name of the person taking the same.

[1837.]

Reporters.

RULE 42. Seats for reporters shall be numbered, and assigned by lot, under the direction of the Clerk of the Senate.

[1847.]

General Rules.

RULE 43. [97.] No person not a member of the Senate shall be allowed to sit at the Senate table while the Senate is in session.

[1853.]

RULE 44. No person other than members of the legislative and executive departments of the State Government, and past

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members of the Senate, shall be allowed to be present in the Clerk's room, or the room intervening between that and the Senate Chamber, while the Senate is in session, or during the half hour immediately preceding and following any session.

[1870; 1875.]

RULE 45. The Rules of Parliamentary Practice comprised in Cushing's Manual, and the principles of parliamentary law set forth in Cushing's larger work, shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Senate, or the Joint Rules of the two branches of the legislature.

[1847; 1858.]

RULE 46. [100.] Any Rule or Order, except the *thirty-sixth*, may be altered, suspended, or rescinded, two-thirds of the members present consenting thereto.

[1817; 1841; 1848.]

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[No. 3.]

JOINT RULES AND ORDERS

OF THE

TWO BRANCHES.

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RULE 21. Concerning reports on petitions notice of the presentation of which has not been given.
RULE 22. Bills and resolves affecting rights of individuals or corporations not to be introduced, except, etc.
RULE 23. Concerning the printing and binding of documents.

RULE 1. The following joint standing committees shall be appointed at the commencement of the January session; viz., —

a committee on Agriculture;
a committee on Banks and Banking;
a committee on Claims;
a committee on Education;
a committee on Expenditures;
a committee on Federal Relations;
a committee on the Fisheries;
a committee on Harbors;
a committee on Insurance;
a committee on the Library;
a committee on Manufactures;
a committee on Mercantile Affairs;
a committee on Military Affairs;
a committee on Parishes and Religious Societies;
a committee on Printing;
a committee on Prisons;
a committee on Public Charitable Institutions;
a committee on Public Lands;
a committee on Railroads;
a committee on Roads and Bridges;
a committee on the State House;
a committee on Street Railways;
a committee on Towns;
a committee on Water-Supply and Drainage;

And each of said committees shall consist of two on the part of the Senate, and five on the part of the House, except the committee on Banks and Banking, the committee on Claims, the committee on Harbors, the committee on Mercantile Affairs, the committee on Military Affairs, the committee on Prisons, the committee on Public Charitable Institutions, the committee on Railroads, the committee on Street Railways, and the committee on Water-Supply and Drainage, which shall each consist of three members on the part of the Senate, and eight members

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on the part of the House; except the committee on Expenditures, which shall consist of the committee on the Treasury, of the Senate, and the committee on Finance, of the House, and whose duty it shall be, early in each session, to examine carefully into all the expenses of the Commonwealth with a view to such retrenchment as may be found practicable. No member of either house shall act as counsel for any party before any committee of the legislature.

[Amended Jan. 7, 1876; Jan. 5, 1877; and Jan. 8, 1878.]

RULE 2. The joint committee on the two houses may report by bill, resolve, or otherwise, to either house, at their discretion; and all bills and resolves reported by them shall be fairly written in a legible hand, without material erasure or interlineation, on not less than one sheet of paper, with suitable margins, and spaces between the several sections; dates and numbers being written in words at length.

RULE 3. Reports of joint committees may be recommitted to the same committees at the pleasure of the house first acting thereon, without asking the concurrence of the other branch; and bills or resolves which have been previously acted on in one branch may be recommitted in the other without a concurrent vote, except when recommitted with instructions: *provided*, that, after such recommitment, report shall in all cases be made to the branch which shall have ordered such recommitment.

RULE 4. Whenever a report is made from any committee to either house, and the subject-matter thereof is subsequently referred therein to a joint committee, such committee shall report its action to the branch in which the original report was made.

RULE 5. If any part of the report of a committee over the signature of the chairman or members of the committee is amended in either branch, the Clerk of that branch shall indorse upon the report such amendment.

[This rule was adopted Jan. 10, 1874.]

RULE 6. Whenever upon any application for an act of incorporation, or other special legislation, the purpose for which such legislation is sought can be secured under general laws, the committee to which the matter is referred shall in all cases report "leave to withdraw," or "inexpedient to legislate."

RULE 7. All papers, while on their passage between the two houses, may be under the signature of the respective Clerks, except bills and resolves in their last stage. Messages may be sent by such persons as each house may direct.

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RULE 8. After bills shall have passed both houses to be engrossed, they shall be in the charge of the Clerks of the two houses, who shall deliver the same to the Secretary of the Commonwealth, to be engrossed in the manner prescribed by law; and, when engrossed, the said Clerks shall forthwith deliver the same to the committee of the House of Representatives on Engrossed Bills; and, when the same shall have passed to be enacted in that house, they shall, in like manner, be delivered to the committee of the Senate on Engrossed Bills.

RULE 9. If any bill, resolve, or order originating in one branch, shall fail to pass in the other, notice thereof shall be given, under the signature of the Clerk, to the branch in which the same originated.

[Amended Jan. 8, 1878.]

RULE 10. The Clerk of the house in which a bill originated shall make an indorsement thereon, certifying in which house the same originated; which indorsement shall be entered on the journals by the Clerks respectively.

After said bills shall have passed both houses to be enacted, the Clerk of the Senate shall lay them before the Governor for his approbation, and shall enter upon the journal of the Senate the day on which the same were laid before the Governor.

RULE 11. All resolves and other papers which are to be presented to the Governor for his approbation shall be laid before him in the same manner as is prescribed in the case of bills.

RULE 12. All resolves proposing amendments of the Constitution shall have three several readings in each house, and the final question upon adopting the same shall be taken by yeas and nays.

RULE 13. The President of the Senate shall preside in conventions of the two branches; and such conventions shall be holden in the Representatives' Chamber. The Clerk of the Senate shall be clerk of the convention, and a record of the proceedings of the convention shall be entered at large on the journals of both branches.

RULE 14. When an agreement has been made by the two branches to go into convention, such agreement shall not be altered or annulled, except by concurrent vote.

RULE 15. No business shall be entered on, in convention, other than that which may be agreed on before the convention is formed.

RULE 16. In all elections by joint ballot a time shall be assigned therefor at least one day previous to such election.

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RULE 17. The joint assembly required to be held by the Act of Congress approved July 25, 1866, entitled "An Act to regulate the times and manner of holding elections for senators in Congress," shall be deemed a convention of the two branches; and the proceedings therein shall be in accordance with the provisions of said Act. The President of the convention shall receive no motion on any day until one vote for senator has been taken. After one vote for senator has been taken, no motion shall be in order, except a motion to adjourn, for a recess, or to proceed to vote for senator; and these motions shall have precedence in the order of their arrangement, and shall be decided without debate. If a motion is made for a recess, and different times are proposed, the question shall first be taken on the most remote time; and the time shall be determined, but without debate, before the question is put upon taking the recess. On either of the questions permitted by this rule the sense of the convention shall be taken by yeas and nays whenever required by one-fifth of the members present. When the yeas and nays are taken, the roll of the convention shall be called in alphabetical order; and no member shall be allowed to vote who was not on the floor when his name was called, or before the roll-call was finished. The call for the yeas and nays shall be decided without debate.

RULE 18. Committees of Conference shall consist of three members on the part of each house, representing its vote; and their report, if agreed to by a majority of each committee, shall be made to the branch asking the conference, and may be either accepted or rejected; but no other action shall be had, except through a new committee of Conference.

RULE 19. Joint committees shall make final report upon all matters previously referred to them, on or before the twenty-second day of March, unless further time is granted for cause.

RULE 20. All petitions, memorials, and applications embraced in the provisions of chapter 2 of the General Statutes, and chapter 91 of the Acts of the year 1862, which shall be presented in either house after the twenty-second day of February, and all other subjects of legislation which shall be proposed or introduced after the first day of March, shall be referred to the next General Court. This rule shall not be rescinded, amended, or suspended, except by a concurrent vote of four-fifths of the members of each house present and voting thereon.

[Amended Jan. 5, 1877; also Jan. 8, 1878.]

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RULE 21. No bill or resolve affecting the rights of individuals, or private or municipal corporations, shall be reported by a committee, unless notice has been given to all parties interested, by public advertisement or otherwise, without expense to the Commonwealth; or unless satisfactory evidence is produced that the parties interested have either received notice in writing, or have in writing waived notice.

RULE 22. No bill or resolve affecting directly the legal rights of individuals or corporations, otherwise than as it affects generally the interests of the whole people of the Commonwealth, or of the cities or towns to which it specifically applies, shall be proposed or introduced, by amendment or otherwise, except by report of a committee, upon petition duly presented and referred.

RULE 23. The committees on Printing may make regulations for the distribution of all documents printed or assigned for the use of the legislature, not otherwise disposed of; such regulations to be reported to and subject to the order of the two branches.

Under the general order to print a report, bill, or other document, the number printed shall be eight hundred, with the exception of the Governor's Inaugural Address, of which fifteen hundred copies may be printed without special order.

Leave to report in print shall not be construed to authorize the printing of extended reports of evidence.

No printing, except as aforesaid, and no binding or engraving, shall be ordered, except upon the report of the joint committee on Printing, accepted by the legislature.

Bills, reports, and other documents, printed under the general order of either house, shall be distributed as follows; to wit, Two copies to each member of the Senate and House of Representatives (to be placed on his file under the direction of the Sergeant-at-Arms, if desired by the member); three copies to each clerk in either branch, and three copies to each reporter in regular attendance, to whom a seat has been assigned in either branch; twenty copies to the Executive; twenty copies to the Secretary's office; six copies to the State Library; and, when the document is the report of a committee, ten copies shall be assigned to the committee making the report. The Sergeant-at-Arms shall preserve as many as may be necessary for the permanent files, to be placed in the lobbies, and distribute the remainder under such regulations as may be prescribed by said joint committee.

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[No. 4.]

THE OATH OF OFFICE.

[See page 4.]

I, (repeating your name) , do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the Constitution thereof. *So help me, God.*

I, , do solemnly swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a representative, according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution and laws of this Commonwealth. *So help me, God.*

I, , do solemnly swear that I will support the Constitution of the United States. *So help me, God,*

AFFIRMATION.

I, (repeating your name) , do solemnly affirm that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the Constitution thereof. *This I do under the pains and penalties of perjury.*

I, , do solemnly affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as a representative, according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution and laws of this Commonwealth. *This I do under the pains and penalties of perjury.*

I, , do solemnly affirm that I will support the Constitution of the United States. *This I do under the pains and penalties of perjury.*

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OPINION OF THE JUSTICES OF THE SUPREME JUDICIAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS UPON MONEY BILLS.

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TO THE HONORABLE THE SENATE OF THE COMMONWEALTH OF MASSACHUSETTS:[1]

ON the nineteenth day of April last the Honorable Senate adopted an order, which was transmitted on the next day to the Justices of the Supreme Judicial Court, requesting their opinion upon the following questions:

"First, Can the Senate, under the provisions of chapter 1, section 3, article 7, of the Constitution, originate a bill or resolve appropriating money from the Treasury of the Commonwealth?

"Second, Can the Senate, under said provisions, originate a bill or resolve, in any way involving, directly or indirectly, the expenditure of money from the Treasury, or imposing any burden or charge thereon?"

On the twenty-second day of April the Honorable House of Representatives adopted an order, which was on the next day transmitted to the Justices of the Supreme Judicial Court, requiring their opinion upon this question:

"Is the power to originate a bill appropriating money from the State Treasury limited by the Constitution to the House of Representatives, or does it reside in both branches of the Legislature?"

On the third day of May the Justices of the Supreme Judicial Court, having taken these questions into consideration, addressed a communication to the Honorable Senate, and a like communication to the Honorable House of Representatives, respectfully asking to be furnished with copies of any pending bills or resolves, upon which the questions propounded by that House to which the communication was addressed had arisen, as well as with any precedents from the journals or documents of the General Court, before or since the adoption of the Constitution of

[1] A duplicate of this opinion was addressed to the Honorable the House of Representatives.

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the Commonwealth, which that House might be pleased to communicate; and informing each House of the communication so made by the Justices to the other House.

In answer to these communications, the Justices received from the presiding officers of the two Houses copies of a resolve and of a bill.

By the resolve, after reciting that Thomas Cahill, formerly of Boston, had been arrested in Ireland, at the instance of officers acting in behalf of this Commonwealth, on the charge of having committed a murder here, and had been by them brought to this Commonwealth, and imprisoned for a long time, and then released without trial, and thereby had suffered greatly in body and mind, and had been put to large expense, and obliged to return to Ireland without any decision by the courts as to his guilt or innocence, it was "Resolved, That the sum of one thousand dollars be paid to Thomas Cahill, and the same is hereby appropriated; said sum to be placed in the hands and at the disposal of the Governor, to be by him paid to said Cahill in such manner as in his judgment will best secure to said Cahill the full benefit of the money."

The bill purports to enact that "there is hereby appropriated, to be paid from the ordinary revenue, unless otherwise ordered, a sum not exceeding thirteen thousand two hundred and seventy-seven dollars, in addition to the amount heretofore appropriated, for the support of the State Reform School for Boys at Westborough."

The Justices were informed that both the resolve and the bill originated and were passed in the Senate; that the House of Representatives refused to entertain them, on the ground that each was a money bill, within the provision of chapter 1, section 3, article 7, of the Constitution of the Commonwealth, and therefore could not originate in the Senate; and new ones in the same words were introduced in the House.

The Justices have received from the President of the Senate his opinion upon the question, printed by order of the Senate, and referring to the opinion delivered by the Honorable Robert C. Pitman (now one of the Justices of the Superior Court) as President of the Senate in 1869, and from the Speaker of the House of Representatives his opinion upon the same question, referring to the opinions delivered by his predecessor, the Honorable Harvey Jewell, in 1868 and 1869.

The Senate appointed a special committee on the communication from the Justices (consisting of the President

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of the Senate and two other senators) with instructions to search for precedents; and the House of Representatives appointed a like committee (consisting of the Speaker and the chairmen of the standing Committees on Finance and on the Judiciary) to confer with the Senate, or any committee thereof, upon the communication from the Justices. Upon the report and recommendation of these committees, the two Houses, on the tenth day of May, passed the following order:

"Ordered, That the opinions of the four Justices of the Supreme Judicial Court, delivered in the Senate February 22, 1781, and now in the archives of the Commonwealth, with the lists of bills levying taxes, and bills and resolves appropriating money, which originated in the Senate between 1780 and 1790, together with the precedents extracted from the records of the General Court prior to 1780 — which lists and precedents have been collected under the direction of the Senate committee, to which a communication of the Honorable Justices of the Supreme Judicial Court was referred — be printed, and that copies thereof be transmitted to the Justices."

Copies of the report of each committee, and of this order, with the opinions, lists, and precedents therein mentioned, have accordingly been transmitted to the Justices.

These papers having been received by the Justices only three days before the final prorogation of the Legislature, and while they were holding terms of court in various counties, it was impracticable for them to consult together and submit opinions to the two Houses at the same session. Under these circumstances, the Justices have felt, that before transmitting their opinions, in accordance with what they understand to have been the expectation of both Houses, and with the usage in similar cases,[1] to the President of the Senate and the Speaker of the House of Representatives during the recess of the Legislature, a due sense of the honor conferred upon them by requiring their opinions upon a matter of this nature, on which there has been frequent difference of opinion between the two Houses for ten years past, demanded of the Justices a thorough investigation of the subject, and a somewhat extended statement of the grounds of their conclusion.

The Justices of the Supreme Judicial Court, having now fully considered the questions upon which their opinions have been required by the Honorable Senate and the

[1] 9 Cushing's Reports, 605.

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Honorable House of Representatives respectively, and the precedents communicated to them by the joint order of the two Houses, and other precedents and authorities on the subject, respectfully submit the following opinion:

The Constitution of the Commonwealth provides as follows: "All money bills shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills."[1]

The questions proposed by the two Houses, although differing in form, appear to us to present substantially one and the same question; namely, whether a bill which appropriates money from the treasury of the Commonwealth, and does not provide for levying such money upon the people, by tax or otherwise, is a money bill, which must, by this provision of the Constitution, originate in the House of Representatives.

Upon first taking up this question, some of us had doubts whether it was one upon which we could properly express an opinion. Although a consideration of the precedents dispelled those doubts, it has seemed to us proper, in order to show that, in undertaking to define the constitutional authority of a branch of the Legislature, we have been cautious not to exceed our own, that we should state the reasons on which it has appeared to us to be our duty to answer the question to the best of our information and abilities.

The question is, indeed, in one aspect, a question of parliamentary privilege and of parliamentary procedure; but it is also a question of the construction of the Constitution of the Commonwealth, which is on this subject the supreme law.

The Constitution declares that "each branch of the Legislature, as well as the Governor and Council, shall have authority to require the opinions of the Justices of the Supreme Judicial Court upon important questions of law and upon solemn occasions."[2] This article, as reported in the Convention that framed the Constitution, limited the authority to the Governor and Council and the Senate, and was extended by the Convention so as to include the House of Representatives;[3] and, as may be inferred from the form in which it was originally presented, evidently had in view the usage of the English Constitution, by which the King, as well as the House of Lords, whether acting in their judicial or in their legisla-

[1] Chap. 1, sect. 3, art. 7. [2] Chap. 3, art. 2.
[3] Journal of Convention of 1779-80 (ed. 1832) 211, 242.

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tive capacity, had the right to demand the opinions of the twelve judges of England.

The practice of the Stuart Kings, in taking extra-judicial opinions of the judges upon questions about to come before them judicially, was an unconstitutional abuse of the royal authority in this respect.[1] But, since the Revolution of 1688, so sturdy an asserter of the independence of the judges as Lord Holt joined with the other judges of the time in opinions to King William III. upon the extent of the power of pardon,[2] and to Queen Anne upon the question whether a writ of error should be granted as of right;[3] and, as late as 1760, Lord Mansfield, Chief Justice Willes, and other judges, gave an opinion to King George II. upon the jurisdiction of a court martial to try an officer, after his dismissal from the army, for a military offence committed while in actual service.[4] So, under the Constitution of the Commonwealth, opinions have been given by the Justices of the Supreme Judicial Court to the Governor and Council upon questions of the exercise of the power of pardon,[5] the issue of death-warrants,[6] the validity of the proceedings of a court martial,[7] and the authority of the Governor, as commander-in-chief, over the militia.[8]

We are not aware of any instance since 1760 in which the Crown has exercised the power of asking the opinion of the judges. But the right of the House of Lords to put abstract questions of law to the judges, the answer to which might be necessary to the House in its legislative capacity, has been often acted on in modern times.[9]

There are expressions in Lord Coke's writings to the effect that the judges ought not to give opinions upon any law, custom, or privilege of Parliament.[10] But it is to be observed, that, in that passage in which he is particularly treating of their duties when summoned to act as assistants to the House of Lords in matters of law, he qualifies the statement by the words, "as hath been said;"[11] clearly signifying that he was not so much stating his

[1] Stafford's Case, Year-Book 1 H. VII. fol. 26, pl. 1. Lord Coke, in Peacham's Case, 2 Howell's State Trials, 871. Coke's 3d Institute, 29. Foster's Crown Law, 200. Hargrave's note to Coke upon Littleton, 110.
[2] Fenwick's Case, Fortescue's Reports, 385.
[3] Paty's Case, 14 East, 92, *note*; 14 Howell's State Trials, 861, *note*.
[4] Lord George Sackville's Case, 2 Eden's Reports, 371.
[5] 13 Gray, 618. [6] 11 Cush. 604. [7] 3 Cush. 586. [8] 1 Allen, 197, *note*.
[9] M'Naghten's Case (1843) 10 Clark & Finnelly's Reports, 200, 212-214.
[10] 4th Institute, 15, 50. 13 Reports, 63. [11] 4th Institute, 50.

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own opinion, as referring, according to his habit, to the cases which appeared to support the position.[1]

The precedents referred to by Lord Coke, and which are the foundation of the theory that the judges cannot properly give an opinion upon any question of the law, privilege, or custom of Parliament, are two cases in the rolls of Parliament in the reign of Henry VI. In the one case, a question of precedency between two earls in the Parliament, the King's Council, and elsewhere, was referred by the King, by the advice of the House of Lords, to the judges, who, while observing that it was a matter of Parliament belonging to the King and to the House of Lords to determine, declared in positive terms their own opinion upon the question submitted; and the case was decided by the King and Lords according to that opinion.[2] In the other case, Thomas Thorp, the Speaker of the House of Commons, having been taken in execution on a judgment recovered against him by the Duke of York in a court of law, the Commons petitioned the King and the House of Lords for his discharge; and the House of Lords asked the opinion of the judges upon the question, "whether the said Thomas ought to be delivered from prison by force and virtue of the privilege of Parliament, or no." The judges, after consultation, answered "that they ought not to answer to that question, for it hath not been used aforetime that the justices should in any wise determine the privilege of this High Court of Parliament; for it is so high and so mighty in his nature that it may make law, and that that is law it may make no law; and the determination and knowledge of that privilege belongeth to the Lords of the Parliament, and not to the justices." Yet the judges went on to declare the effect allowed to such privilege of Parliament in the courts of law, and the reasons therefor.[3] It thus appears, that, in each of those cases, the judges, while recognizing that the final determination of the question belonged to the House of Lords, did give an opinion to assist the House in such determination.

It is worthy of remark, that only two years later, in Pylkington's case,[4] cited by Mr. Speaker Jewell, the same judges, when the validity of a particular act of Parlia-

[1] Hargrave's note to Sir Orlando Bridgman's Judgments, 329. Coke's Answer to King James I. about Bonham's Case, 6 Bacon's Works (ed. 1803) 405, 407. Prynne's Fourth Register, 648.
[2] Earl of Arundel's Case, Rotulus Parliamenti 27 H. VI. No. 18.
[3] Thorp's Case, Rotulus Parliamenti 31 & 32 H. VI. Nos. 25, 26, 27.
[4] Year-Book 33 H. VI. fol. 17, pl. 8.

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ment was brought before them judicially, sent for the Master of the Rolls and the Clerk of the Parliament to inform them of the course of proceeding in passing bills; and that the statement, made by those officers, of the forms observed when a tax granted by the Commons was increased or diminished by the Lords, clearly shows, that, in that age, the Lords were accustomed to amend tax bills. In the reign of Elizabeth, the House of Lords, upon a bill touching the lands of a person attainted by a former act of Parliament, required the judges to consider the question, whether, by the records of Parliament, the Act of Attainder appeared to have been passed in the twenty-eighth or in the twenty-ninth year of the reign, "and to declare their opinions concerning it; whereupon they saw and considered writs of summons of the Parliament, and divers patents concerning the matter," and gave an opinion, which the House acted on.[1] And, in the reign of Charles II., Lord Hale and his associates, sitting in the King's Bench, took judicial notice of the order of proceedings of the Houses of Parliament and their committees.[2]

In the reigns of Henry VIII.,[3] of Philip and Mary,[4] and of James I.,[5] the judges freely gave opinions, when required by the House of Lords, upon questions of the privilege of members of Parliament from arrest; and in the first year of Queen Elizabeth, the opinion of the judges was taken by the House of Lords upon such a purely parliamentary question as the manner of exercising the right of voting by proxy.[6]

One other English precedent is worthy of being more fully stated. By an Act of Parliament passed in 1624, granting an aid to King James I. for the maintenance of the then expected war with Spain, it was provided, in order to secure the application of the moneys so granted to the uses mentioned in the Act, that the sums levied should be paid into the hands of eight citizens of London named as treasurers, and expended only upon the warrant of ten other persons, four peers and six commoners, named as the King's council for the war, or of five or more of them; and that both treasurers and councillors should make oath for the performance of their trust, and be accountable to the

[1] 1 Anderson's Reports, 294, pl 303.
[2] Lake *v.* King, 1 Saunders's Reports, 131, 133.
[3] Ferrer's Case, 1 Hatsell's Precedents (3d ed.) 54.
[4] Pledall's Case, 1 Commons' Journals, 46; Prynne's Fourth Register, 1213, 1214; 1 Hatsell, 74.
[5] 3 Lords' Journals, 155, 157. 1 Hatsell, 177, *note*.
[6] Coke's 4th Institute, 13.

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House of Commons. The bill having been brought up from the Commons, the House of Lords, before passing it, ordered all the judges to attend and deliver their opinions upon some questions of the jurisdiction and authority of the two Houses respectively, or, in the phrase of that time, "some points of judicature in the said bill." The judges attended accordingly, and delivered an opinion as follows: "Resolved by all, with one uniform assent, that, upon perusal of the several parts of the Act of Subsidy, they do not conceive that there is any thing therein which may impeach or blemish the privilege or power of the Higher House, or add to the privileges of the Lower House, in any thing, save in the particular case in question, and in no other case of the like or other nature; and that for these reasons: First, Because the judicature in this particular case is not assumed by way of privilege, to beget a precedent, but by way of Act, which taketh effect, not only by themselves, but by the Lords and by the royal assent of the King; Secondly, Because the ground of this Act proceeded originally from the gracious proposition of his Majesty himself, and that proposition is mentioned in the Act itself: so as there is no ground to do the like hereafter, to be drawn from this Act, unless it be upon the like proposition from the King, with consent of the Lords, who must fully assent unto this Act." The principal judges at that time were Chief Justice Ley, Chief Justice Hobart, and Chief Baron Tanfield, all of great learning, integrity, and independence.[1] The Lords ordered the opinion to be signed by all the judges, and entered of record, and thereupon passed the bill, first, however, adopting and recording a protest, reciting "forasmuch as this Act of Subsidy is in many things different from the ancient usual form of a subsidy bill; and for that something in the said Act contained may in time to come be construed, either to lessen the jurisdiction of the one House, or to add to the jurisdiction of the other, more than hath been used or heretofore admitted;" and therefore declaring that nothing in this Act should thereafter be taken or construed to give or take any jurisdiction, power, privilege, or authority, to or from either House of Parliament, but that each should severally and dividedly hold, use, and enjoy the same liberties, privileges, powers, and jurisdictions as theretofore.[2]

In this Commonwealth, the privileges of the two Houses

[1] 6 Foss's Judges of England, 166, 330, 366.
[2] St. 21 James I. chap. 33; 4 Statutes of the Realm, pt. ii. 1247 3 Lords' Journals, 406, 408.

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do not, as in England, rest merely upon legislative resolves or usages; but they are defined by the written Constitution.[1] The same Constitution which defines these privileges declares that each branch of the Legislature, as well as the Governor and Council, shall have authority to require the opinions of the Justices of the Supreme Judicial Court upon important questions of law and upon solemn occasions. The opinions of the Justices can be required only "upon important questions of law," not upon questions of fact;[2] "and upon solemn occasions," that is to say, when such questions of law are necessary to be determined by the body making the inquiry, in the exercise of the legislative or executive power entrusted to it by the Constitution and laws of the Commonwealth.[3] No other limit of the authority to require the opinions of the Justices is expressed in the Constitution. In giving such opinions, the Justices do not act as a court, but as the constitutional advisers of the other departments of the Government, and it has never been considered essential that the questions proposed should be such as might come before them in their judicial capacity.

For instance, opinions have been frequently required by the House of Representatives, and given by the Justices, upon questions of law concerning the election and qualifications of members, of which the House is made by the Constitution the final judge;[4] and, as appears in the collection of precedents transmitted to us by order of the two Houses, the Justices of the Supreme Judicial Court in 1781, in obedience to a joint order of the first Legislature that sat under the Constitution, delivered opinions upon the question, whether, notwithstanding the provision of the Constitution, that all money bills shall originate in the House of Representatives, "the Senate have an equal right and concern with the House of Representatives in originating and completing the settlement of a valuation."

The interesting character of the precedents to which we have referred, and the want of any published collection in which they may be readily found, may, we trust, excuse the fulness with which we have stated the considerations

[1] Burnham's Case, 14 Gray, 226, 238. Whitcomb's Case, 120 Mass. 118, 122.
[2] Opinion of the Justices, 120 Mass. 600.
[3] Answer of the Justices, 122 Mass. 600.
[4] Constitution of Massachusetts, chap. 1, sect. 3, art. 10. 3 Pick. 517. 11 Pick. 538. 18 Pick. 575. 23 Pick. 547. 1 Met. 580. 5 Met. 587, 591. 10 Gray, 613. 122 Mass. 594.

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which have satisfied us that the orders of the Senate and of the House of Representatives present an important question of law, arising upon a solemn occasion, and upon which the two Houses are empowered by the Constitution to require our opinion. Any embarrassment that we might have felt in giving an opinion to one House upon a question affecting the constitutional powers of both has been removed by the facts that each House has proposed a similar question and that the two Houses have joined in an order transmitting to us all the precedents that either House deemed of sufficient importance to be considered.

The prominence given to the practice of the Lords and Commons in England, in the opinions heretofore delivered by the presiding officers of each branch of the Legislature of Massachusetts upon the question of the right of the Senate to originate bills or resolves appropriating money from the Treasury of the Commonwealth, makes it proper to give an outline of the history of the usage of the English Parliament before 1780 in regard to bills raising, granting, and appropriating money, having particular regard to the precedents cited in those opinions.

It was well established in England, before the emigration of our ancestors, that all grants in Parliament of subsidies to the King must begin in the House of Commons, and be first granted by them.[1] In 1628, within a year before the Massachusetts Colony Charter was granted, the preamble of an Act for a grant of subsidies was framed by a committee of the Commons, which included Coke, Glanville, Selden, and other eminent lawyers, and, after conference with the Lords, was finally fixed in the form of a gift to the King from "your Majesty's most humble and loyal subjects the Commons in your High Court of Parliament now assembled;" and the bill, after being passed by the House of Lords, was presented by the Speaker of the House of Commons to the King for his approval.[2] In 1640 a vote of the Lords, that the matter of supply should have precedence, having been sent to the Commons with a request for a conference, was resolved by the Commons to be a breach of privilege, although the Lords at the conference declared that they "would not meddle with matter of subsidy, which be-

[1] The Indemnity of the Lords and Commons, Rotulus Parliamenti 9 H. IV. No. 21. 3 Hatsell (2d ed.) 133. Coke's 4th Institute, 29. Dyer's Reports, 43 b. 3 Hallam's Constitutional History of England (7th ed.) 27-29.

[2] 1 Commons' Journals, 910, 914, 915, 919. 3 Lords' Journals, 858, 860, 879. St. 3 Charles I. chap. 8; 5 Statutes of the Realm, 39.

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longs properly and naturally to you; no, not to give you advice therein, but have utterly declined it;" and Lord Clarendon says, "This conference was no sooner reported in the House of Commons than their whole temper seemed to be shaken. It was the undoubted fundamental privilege of the Commons in Parliament that all supplies should have rise and beginning from them."[1] Upon the Restoration of the Monarchy in 1660, the first clause in a bill for continuing customs and excises was amended so as to stand thus: "The Commons assembled in Parliament give and grant" unto the King the subsidies mentioned in the bill; and a member was appointed "to carry this bill to the Lords, and to desire the Lords, that, it being a bill concerning money, it be sent back to this House when the Lords have passed it." The Lords passed the bill in this form, and returned it to the Commons, who presented it by their Speaker to the King.[2] The proceedings in England upon all bills of supply have since conformed to this precedent.

The right of the Lords to reject bills of supply and taxation was admitted; and their right to amend such bills does not appear to have been denied by the Commons before 1671.[3] In that year, on a bill for an imposition on foreign commodities, the House of Commons unanimously resolved, "That, in all aids given to the King by the Commons, the rate or tax ought not to be altered by the Lords," and asserted "that there is a fundamental right in that House alone, in bills of rates and impositions on merchandise, as to the matter, the measure, and the time." The Lords, on the other hand, resolved with equal unanimity that the power exercised by them in making amendments and abatements, "as to the matter, measure, and time, concerning the rates and impositions on merchandise, is the fundamental, inherent, and undoubted right of the House of Peers, from which they cannot depart."[4] In 1678, on a supply bill being amended by the Lords, the House of Commons carried their doctrine still farther, and passed a resolution, "That all aids and supplies, and aids to his Majesty in Parliament, are the sole gift of the Commons; and all bills for the granting of any such aids and supplies

[1] 2 Commons' Journals, 13. 3 Hatsell, 102, *& note.* 1 Clarendon's History (ed. 1849) 190.
[2] 8 Commons' Journals, 98, 102. 11 Lords' Journals, 105, 109. St. 12 Charles II. chap. 4; 5 Statutes of the Realm, 181.
[3] 3 Hatsell, 136. Hale on Parliaments, 65, 66. Report of Select Committee on Tax Bills, 1860, appendix, pp. 7, 12, 13. 3 Hallam, 30.
[4] 9 Commons' Journals, 235, 239. 3 Hatsell, 110, 368, 370, 371.

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ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit, and appoint, in such bills, the ends, purposes, considerations, conditions, limitations, and qualifications of such grants; which ought not to be changed or altered by the House of Lords."[1] On both those occasions, the controversy between the two Houses was terminated by a prorogation of Parliament.[2] But the resolution of 1678 has been often re-affirmed by the Commons, and made the foundation of their claim of privilege in matters of supply; and the Lords, though they have never expressly disclaimed the right to amend bills of supply, have never since practically asserted it when controverted by the Commons.[3]

The Commons, up to that time, had not undertaken to extend their exclusive privilege to the imposing or distribution of penalties.[4] But in many instances from 1690 to 1696, and again in 1702, the Commons denied, and the Lords maintained, the right of the latter to insert clauses inflicting or altering the application of pecuniary penalties.[5] In 1696 the reason assigned by the Commons is, that "their Lordships have added and imposed pecuniary penalties upon the subject; whereas all charges of money upon the people ought to begin with the Commons;" and the Lords, on the other hand, "conceive that the imposing of pecuniary penalties of this nature is no charging of money upon the people; because nothing can truly be called so, which is within the people's choice not to pay, if they please; as they need not to do in this case, unless they will wilfully break the law, which is made for the welfare of the State, and not for taxing of the subject."[6] In some instances, the Commons also asserted their exclusive privilege in cases of amendments authorizing the taking of fees, as "laying a charge upon the subject."[7] And the Commons afterwards applied the same rule to both penalties and fees, until it was found so inconvenient in practice, that it was relaxed in the present century by standing orders of the House.[8]

In the resolutions and proceedings of the two Houses of

[1] 9 Commons' Journals, 509. 3 Hatsell, 112, 137, 407.
[2] 9 Commons' Journals, 244, 515.
[3] 3 Hallam, 32. 1 May's Constitutional History of England (Am. ed.) 444. May's Law of Parliament (7th ed.) 575.
[4] 3 Hatsell, 112, 113. [5] 3 Hatsell, 114–117, 120, 130.
[6] 11 Commons' Journals, 728, 739. 3 Hatsell, 117.
[7] 3 Hatsell, 115, *& note* (1692); 124, *note* (1742).
[8] May's Law of Parliament, 579, 580. Report of Select Committee on Tax Bills, 1860, pp. xii, xiii; appendix, p. 87.

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Parliament, the words "granting money" were applied to grants from the people through the Commons to the King; and such was the common meaning of the words in England. For instance, the elder Pitt (afterwards Lord Chatham), in the debate in the Commons in 1766, on the right of Parliament to tax the colonies, said, "The taxes are a voluntary gift and grant of the Commons alone." "When, therefore, in this House we give and grant, we give and grant what is our own. But in an American tax what do we do? We, your Majesty's Commons of Great Britain, give and grant to your Majesty — what? Our own property? No. We give and grant to your Majesty the property of your Majesty's Commons of America."[1] So Mr. Burke, in his speech on Conciliation with America in 1775, spoke of the right to tax as "this privilege of granting money."[2]

The right asserted by the House of Commons, in the resolution of 1678, is that of granting aids and supplies to the King, and of originating bills for such grants, and of specifying in such bills the objects to which, and the modes in which, the money granted by those bills shall be applied. But nothing is there said as to the right of the Lords, when money has been once granted by the Commons without specific appropriation, to originate or to amend a bill appropriating it to particular uses or purposes. As observed by Mr. Hargrave in a paper prepared in 1784 "Concerning the Appropriation of Parliamentary Aids and Supplies for Particular Services," "In the more ancient times the usual course of Parliament on granting taxes and aids to the Crown was to leave the application of the money wholly to the discretion of the King and his ministers; for though the occasion of the grant, as for enabling the King to defend the sea, or to carry on some war, was frequently mentioned, yet there was nothing like an appropriation of the tax to any particular purpose, the act granting the supply being usually silent as to the manner of expending it." In early times there were few exceptions to this practice. In the instance in the reign of James I., already mentioned, the restriction was inserted in accordance with a suggestion of the King. The despotic tendencies of Charles I., and the licentious extravagance of Charles II., induced the Commons to insert clauses of appropriation in some of the supply bills passed during their reigns. After the Revolution of 1688, the grant of supplies with appropriation to certain services

[1] 16 Parliamentary History, 99.
[2] 2 Burke's Works (Am. ed. 1839) 33.

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became the common practice, and from 1698 it has been usual to pass a general Appropriation Act at each session of Parliament.[1]

By standing orders of the House of Commons, passed early in the last century, and by the construction given to those orders by the House, the supplies could only be granted upon recommendation from the Crown; and all sums so granted, whether for the use of the Government or for private purposes, were considered as grants from the people to the Crown. The usual form of proceeding was, that the amount and the general purposes of the grant were fixed by the committee of supply, and the manner of raising it was determined by the committee of ways and means; and, when these two committees were closed, the House passed a general Appropriation Act.[2] Bills for appropriating out of the Treasury money already therein were, therefore, comparatively rare; and the copious collections of precedents in Mr. Hatsell's work, and in the Report of the Select Committee of the Commons on Tax Bills in 1860, contain few cases before the American Revolution, in which special appropriation bills, originating or amended in the House of Lords, were objected to by the House of Commons as infringing upon their privileges. The principal ones are as follows:

In 1691, at a conference between the two Houses of Parliament upon a bill for appointing commissioners to state the public accounts, the Commons resolve that the "disposition as well as granting money by Act of Parliament hath ever been in the House of Commons." But the House of Lords "cannot allow the disposition, as well as granting of money by Act of Parliament, to have been solely in the House of Commons." And the bill was lost by disagreement between the two Houses.[3] A like controversy, with like result, took place in 1702.[4]

In 1696 amendments of the Lords to a bill of the Commons for remedying the ill state of the coin were rejected by the Commons, because the amendments, "being in order to give a longer time to receivers and collectors of the taxes and revenues to pay into his Majesty's Exchequer such hammered money as is mentioned in the bill, by tale, will give an opportunity to the said receivers and collectors to make great advantages to themselves, without

[1] 1 Hargrave's Juridical Arguments, 394-402. 3 Hatsell, 175-181. 2 Hallam, 356-358. 3 Hallam, 115-117.
[2] 3 Hatsell, 173-178.
[3] 10 Commons' Journals, 646, 654, 669. 3 Hatsell, 115, 435, 438, 451.
[4] 13 Commons' Journals, 899, 903. 3 Hatsell, 119.

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any ease to the people, and will increase the deficiencies which are to be supplied at the public charge; for which reason alone, the Commons can by no means admit that the Lords could make any amendment to this bill, which is to be a charge upon the people as aforesaid." And the Lords did not insist on their amendments.[1]

In the same year the Commons sent a message to the Lords to put them in mind that a bill for encouraging the bringing in of wrought plate to be coined belonged to the House of Commons, to be presented by their Speaker to the King, and to desire that it might be sent down to them, "for that the same allowed 5*s.* 4*d.* *per* ounce to be given for plate to be brought into the mints to be coined; and authorized the Commissioners of the Treasury to take £50,000 out of any moneys lent or advanced into the Exchequer, for the paying for such plate." But "the bill being brought by the clerk of the House of Lords to the clerk of this House, as bills relating to money usually are, the message was not sent."[2]

In 1708 the Commons disagreed to an amendment made by the Lords to a bill for covering the cupola of St. Paul's Church in London with copper, which the Lords proposed should be covered with lead. In the reasons given, the Commons, after arguing at some length the practical superiority of copper over lead, added, "The Commons cannot but take notice that the money for building the said cathedral was granted by the Commons, and therefore the application thereof does belong to them." The bill was lost by prorogation of Parliament.[3]

In 1719 an amendment by the Lords of a bill to prevent smuggling was disagreed to by the Commons as being "a disposition of public money," and another as being "an alteration of the Commons' disposition of public money," "contrary to the undoubted right of the Commons, and from which they can never depart." After a conference, the Lords did not insist on their amendments, the precise nature of which does not appear.[4]

In 1733 a bill from the Lords, for vesting in Sir Theodore Janssen the remainder of an estate "now in the Crown," was unanimously rejected by the Commons; but no reasons are stated.[5]

[1] 11 Commons' Journals, 606, 607. 3 Hatsell, 116.
[2] 11 Commons' Journals, 732. 3 Hatsell, 144.
[3] 15 Commons' Journals, 649. 1 Hatsell, 122.
[4] 19 Commons' Journals, 142–144. 3 Hatsell, 122.
[5] 22 Commons' Journals, 138. 3 Hatsell, 124.

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In 1736 the Lords amended a bill for indemnifying persons guilty of offences against the laws made for securing the revenues of customs and excise. Upon the amendment being read in the Commons, Mr. Speaker Onslow submitted to the House the question whether this was not an encroachment upon their privileges, and observed, "that, in all bills by which any tax or duty was to be imposed upon the subject, it was the undoubted privilege of that House, and they had always insisted upon it, that the other House should not make any the least amendment to any such bill, but were in all such cases either to pass the bill without any amendment, or to reject it if they thought fit; that, as the taxes and duties granted by that House could not be raised or collected without prescribing proper and effectual methods for that purpose, therefore, in all bills for imposing any tax or duty upon the subject, certain methods had been prescribed for effectually raising that tax or duty; and if the methods prescribed should afterwards by experience be found ineffectual, new methods had always been contrived, and proper bills passed for establishing those new methods; which last sort of bills had generally been looked on as appendixes to the first bill, by which the tax or duty was granted: therefore such bills were looked upon as bills of the same nature with the first, and consequently that House had generally insisted upon it, that the other House could not make any amendment to this last sort of bills, no more than they could have done to the bill by which the tax or duty was granted." But the House, upon examination of precedents, agreed to the amendment.[1]

Mr. Hatsell, who wrote at the close of the American Revolution, and whose work has ever since been considered a standard authority for the claims of the Commons up to that time, in his chapter upon "Proceedings between Lords and Commons where the Rights and Privileges of either House are concerned," says, "Each House has a right to originate and to pass such bills as to them may seem proper, except that the Lords have, as appears from several of the instances, claimed the exclusive right that bills for restitution of honors, or in blood, should commence with them; and the House of Commons have on their part asserted, and I believe invariably preserved, the exclusive exercise of the right, 'that bills of supply, imposing burthens upon the people, should be the grant of

[1] 3 Hatsell, 125. 9 Chandler's Debates, 236*. 9 Parliamentary History, 1268. 22 Commons' Journals, 717.

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the Commons, and that the Lords should have no other voice, than, as one branch of the Legislature, by their assent to give the authority of a law to the levying of those aids and taxes which the Commons shall think wise and fitting to impose.' Other bills of what kind soever, whether relating to the Parliament itself, or to either House separately, may have their commencement indifferently in either House," with the single exception of a bill for a general pardon, which begins neither with the Lords nor with the Commons, but with the Crown.[1]

He here distinctly states that the only bills which must originate in the House of Commons are "bills of supply imposing burthens upon the people." So when he comes to deal more particularly with what the House of Commons "have always considered as their exclusive right, viz., the grant of aids and taxes to the Crown for the public service," he speaks of it as applying to bills, "which either in the form of positive taxes or pecuniary penalties, or in any other shape, might by construction be considered as imposing burthens upon the people;"[2] and afterwards says, that, according to his observation, "the following propositions contain very nearly every thing which has at any time been claimed by the Commons upon this subject:

"First, That in bills of aid and supply, as the Lords cannot begin them, so they cannot make any alterations, either as to the quantum of the rate, or the disposition of it, or, indeed, any amendment whatsoever, except in correcting verbal or literal mistakes; and even these the House of Commons direct to be entered specially in their journals, that the nature of the amendments may appear, and that no argument prejudicial to their privileges may be hereafter drawn from their having agreed to such amendments.

"Secondly, That in bills which are not for the special grant of supply, but which, however, impose pecuniary burthens upon the people, such as bills for turnpike roads, for navigations, for paving, for managing the poor, &c., for which purposes tolls and rates must be collected — in these, though the Lords may make amendments, these amendments must not make any alteration in the quantum of the toll or rate, in the disposition or duration of it, or in the persons, commissioners, or collectors appointed to manage it. In all the other parts and clauses of these bills, not relative to any of these matters, the Commons

[1] 3 Hatsell, 62, 63. [2] 3 Hatsell, 132.

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have not objected to the Lords making alterations or amendments.

"Thirdly, Where the bill, or the amendments made by the Lords, appear to be of a nature, which, though not immediately, yet in their consequences, will bring a charge upon the people, the Commons have denied the right of the Lords to make such amendments, and the Lords have acquiesced.

"And, lastly, the Commons assert that the Lords have no right to insert in a bill pecuniary penalties or forfeitures, or to alter the application or distribution of the pecuniary penalties or forfeitures which have been inserted by the Commons.

"These rules with respect to the passing or amending of bills are clear, distinct, and easy to be understood and applied in all the cases which may occur. It has been sometimes attempted to extend this claim on the part of the Commons still farther; or, rather, so to construe the claim as to tend very much to embarrass the proceedings of the House of Lords upon bills sent from the Commons. This has never appeared to me a prudent measure. I think the House of Commons may rest satisfied with the observance of these rules, which they can maintain upon the ground of ancient practice and admitted precedents. Their sole and exclusive right of beginning all aids and charges upon the people, and not suffering any alterations to be made by the Lords, is sufficiently guarded by the claims as here expressed; and it does not seem to be either for their honor or advantage to push this matter farther, and, by asserting privileges which may be subjects of doubt and discussion, thereby to weaken their claim to those clear and indubitable rights which are vested in them by the Constitution, and have been confirmed to them by the constant and uniform practice of Parliament."[1]

The first and second of these classes include no bills that do not directly impose a pecuniary burden upon the people. The last class, that of bills imposing pecuniary penalties or forfeitures, stands only on the claim of the Commons, that these are burdens upon the people. The third class does not go beyond bills which "in their consequences" will impose a like charge, that is to say, by the effect of the bills themselves; and if construed as including bills which neither directly nor indirectly impose

[1] 3 Hatsell, 138-140. The references to this volume of Hatsell throughout this opinion are to the second English edition, which is the earliest accessible.

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a burden upon the people, further than any bill authorizing the payment of money out of the Treasury may leave less money in the Treasury for the future needs of the Government, is inconsistent with Mr. Hatsell's own statement previously quoted, and is supported, as we have seen, by few and inconclusive precedents.

In the debate in the Commons in 1783 on the Lords' amendment to the American Intercourse Bill, the Speaker observed, that, "as the bill empowered the Crown to impose duties, it was, strictly speaking, a money bill, and therefore the House could not, consistently with its own orders, suffer the Lords to make any amendment in it." Mr. Pitt "agreed that the bill was a money bill, and that, having been amended by the Lords, it ought to be rejected;" and Mr. Fox said that "he was willing that the amended bill should be rejected, though he was of opinion that the order of the House respecting money bills was often too strictly construed."[1]

In 1784 the House of Commons passed a resolution, declaring, that for any person in the Treasury or Exchequer, or employed in the payment of the public money, to issue, after a dissolution or prorogation of Parliament, money voted by Parliament for any services, and before the passage of any Act of Parliament appropriating the supplies to such services, would be a high crime and misdemeanor, derogatory to the fundamental privileges of Parliament, and subversive of the Constitution of the country. But large supplies were afterwards voted, and not appropriated, before the dissolution of the same Parliament; and the next Parliament, supporting the ministers of the Crown, revoted the same supplies without question, although, in the interval, a portion of them had been expended by the ministers, without any parliamentary appropriation.[2]

Mr. Hallam distinctly says that the Lords have never acknowledged any further privilege in the Commons than that of originating bills of supply.[3] And Sir Erskine May observes that "in cases where amendments have affected charges upon the people incidentally only, and have not been made with that object, they have been agreed to;" and that, until a very recent period, "the Commons accepted provisions in bills from the Lords creating charges

[1] 23 Parliamentary History, 895. 3 Hatsell, 129.
[2] 39 Commons' Journals, 858. 3 Hatsell, 83, 184. 1 May's Constitutional History, 72-81.
[3] 3 Hallam, 32.

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not directly imposed by the bill, but to be defrayed out of moneys to be provided by Parliament."[1]

The result of the review of this branch of the subject is, that it cannot be considered to have been settled in England before 1780, when the Constitution of the Commonwealth of Massachusetts was adopted, that the appropriation, to particular objects, of moneys in the Treasury or Exchequer of the Sovereign, belonged exclusively to the House of Commons, and that bills for such appropriation must originate in that House.

The next matter to be considered, and quite as important a one in its bearing upon the true construction of our Constitution, is the comparative powers and privileges of the two branches of the Legislature of the Colony and Province of Massachusetts Bay. In dealing with this, it is to be borne in mind, that, according to the opinions of two of the very greatest constitutional lawyers of England, the House of Representatives in any of the subordinate legislative assemblies of the British dominions was not entitled to the privileges claimed and exercised by the House of Commons in Parliament.

In 1698 a bill for encouraging the linen manufacture in Ireland, having been framed by the Privy Council in England, and transmitted to the Irish Parliament, was there objected to as asserting the King's prerogative, and as invading the privileges of the Irish House of Commons. Lord Somers (then Lord Chancellor of England, and acting as a Lord Justice of the kingdom during the absence of the King in Holland), upon being informed of this by a letter from the Duke of Shrewsbury, Secretary of State, answered as follows: "The bill imposes some pecuniary penalties indeed, which of late the House of Commons in England, in their disputes with the Lords, call a money bill; but surely the Commons in Ireland did never think of carrying their sole right so far. It does also empower the grand juries in the several counties to assess a sum for building workhouses. If that would make it a money bill, there were many money bills passed in England last winter; but there is not any thing granted to the King by the bill."[2]

Lord Camden, when Attorney-General, gave an opinion upon the several powers of the Council and Assembly of the Province of Maryland, as follows: "As to the power of the Upper House to examine claims and accounts, the Upper House are right in making a stand to this

[1] May's Law of Parliament, 576, 578. [2] 2 Hardwicke Papers, 434.

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clause in the bill, and should take care how they admit encroachments of this kind, when they are supported by arguments drawn from the exercise of the like rights in the House of Commons here. The constitutions of the two assemblies differ fundamentally in many respects. Our House of Commons stands upon its own laws, the *lex parliamentaria;* whereas assemblies in the Colonies are regulated by their respective charters, usages, and the common law of England, and will never be allowed to assume those privileges which the House of Commons are entitled to justly here, upon principles that neither can nor must be applied to the assemblies of the colonies."[1]

At the first settlement of the Massachusetts Colony the Governor and Assistants, chosen annually by the freemen at a General Court under the Colony Charter of 1628,[2] levied taxes, in such proportions as they thought just, upon "the several plantations" for public purposes.[3] In 1632 the leading inhabitants of Watertown, so taxed for fortifying Newtown, objected "that it was not safe to pay moneys after that sort, for fear of bringing themselves and posterity into bondage." But upon being summoned before Governor Winthrop and the Assistants, and "understanding that this government was in the nature of a Parliament, and that no Assistant could be chosen but by the freemen, who had power likewise to remove the Assistants, and put in others,' they "were fully satisfied."[4] In 1634 it was enacted "that none but the General Court hath power to raise moneys and taxes;" and the freemen of each town were authorized to choose deputies to the General Court for matters of legislation.[5] The order of 1644, separating the magistrates and deputies into two houses, allowed the magistrates to draw up any "bills and orders which they shall see good in their wisdom," and, having agreed upon them, to present them to the deputies for their assent or dissent;[6] and we are not aware of any question of privilege between the magistrates and the deputies in this regard while the Colony Charter lasted.

By the Province Charter of 1692, "a Great and General Court or Assembly" was established, to consist of the Governor appointed by the Crown, and twenty-eight councillors chosen annually by the General Court, subject to the Governor's negative, and of representatives chosen

[1] 1 Chalmers's Opinions of Eminent Lawyers, 263.
[2] 1 Massachusetts Colony Records, 12.
[3] 1 Mass. Col. Rec. 77, 82, 89, 93.
[4] 1 Winthrop's History of New England, 70.
[5] 1 Mass. Col. Rec. 117, 118. [6] 2 Mass. Col. Rec. 58.

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annually by the inhabitants of each town; and it was declared that the General Court should have full power and authority, among other things, "to impose and levy proportionable and reasonable assessments, rates, and taxes, upon the estates and persons of all and every the proprietors and inhabitants of our said Province or territory, to be issued and disposed of by warrant under the hand of the Governor of our said Province for the time being, with the advice and consent of the Council, for our service in the necessary defence and support of our government of our said Province or territory, and the protection and preservation of the inhabitants there, according to such Acts as are or shall be in force within our said Province."[1]

In 1694 an unsuccessful attempt was made to secure to the House of Representatives all the rights of the House of Commons. The General Court passed an act declaring "that the House of Representatives of the people of this Province, being a part of the Great and General Court or Assembly, have, by their Majesties' most gracious Charter, undoubted right to all the liberties and privileges of an English assembly;" "and that, when and so often as any motion is made to the House of Representatives for the granting of any money to be levied of the people of this Province, the said House of Representatives ought particularly to be advised what uses and improvement such money is to be raised for;" "and that no public money be or ought to be disposed of by his Excellency the Governor and Council, but for the uses and intents of and according to the acts by which the said money is raised." But this act was disallowed by the King in Council.[2]

The resolve sent up by the House of Representatives with the tax bills in 1703, declaring "that it is the undoubted privilege of this House that their concurrence be had in the particular application and disposal of all and every sum and sums that are put into the Treasury, so far as it can be practiced,"[3] asserts only the necessity of the concurrence of the House, and says nothing of an exclusive right to originate appropriation bills.

The right of the House to originate all acts and orders for raising moneys from the people, and therein to appropriate such moneys to such services as they thought proper, was generally admitted.[4] But the House did not in prac-

[1] 1 Province Laws, 11, 12, 16, 17. [2] 1 Province Laws, 170, & *note*.
[3] General Court Records, July 23, 1703.
[4] 2 Hutchinson's History of Massachusetts (2d ed.) 294. Messages of the

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tice construe this right so largely as the House of Commons in England.

Among the precedents transmitted to us is an order of the Council, concurred by the House, in 1750, directing that certain pieces of silver in the Treasury, being of a baser alloy than dollars, be not paid out by the Treasurer in any payments whatsoever, but be retained in the Treasury for the further order and disposal of the General Court.[1] Resolves for the assessment or collection of local taxes often originated in the Council, and were concurred in by the House without objection.[2] And Acts for establishing or continuing the fees of officers appear to have originated and been amended indifferently in either House In 1765 amendments of the Council to such a bill originating in the House were considered by a committee of conference between the two Houses, and ultimately concurred in with further amendments by the House;[3] and in 1770 a like bill originated in the Council, and was concurred in by the House, "saving to this House their privilege of originating all money bills,"[4] which sufficiently shows that such a bill was not considered a money bill, although it was intended to reserve the privileges of the House as to those that were.

In the early years of the Province, the House of Representatives claimed, as incidental to the right to originate supplies, the right to examine the accounts, before payment of any money under warrant of the Governor and Council; and before 1721 clauses to that effect were inserted in the supply bills. But this claim was afterwards resisted by the Governor, under instructions from the King, and, after a prolonged controversy, was finally put at rest by Order of the King in Council, in accordance with the opinion of the Attorney-General (afterwards Lord Hardwicke) and the Solicitor-General (afterwards Lord Talbot), as not warranted by the Province Charter; and it is said to have been disapproved by the House of Commons.[5]

In 1730 amendments proposed by the Council, increasing

House and the Governor, September 18, 19, 1762, and of the House and Council, November 6, 1765, in General Court Records. Massachusetts State Papers, 1765-75 (ed. 1818) 52-56.

[1] General Court Records, February 14, 1750.

[2] General Court Records, January 12, 23, February 17, 1749; January 16, 22, April 22, June 13, December 31, 1760; January 16, 1761; June 7, November 6, 1764; January 17, 1765; January 9, 1768; June 24, 1771, and April 17, 1772.

[3] General Court Records, February 23, 26, 1765.

[4] General Court Records, November 20, 1770: July 7, 1772.

[5] 2 Province Laws, 574, 701-703. 2 Hutchinson, 378. 4 Palfrey's History of New England, 545.

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the sum allowed in a bill passed by the House for the support of the Governor, were non-concurred by the House, and the two Houses then held a conference upon the subject, at which the Governor was present; and one of the amendments of the Council was afterwards concurred by the House. Upon which Governor Hutchinson observes, "This was a matter of money, which the House sometimes refuse to confer upon; but they have been unsteady in this respect."[1]

In 1753, the Council having amended a resolution of the House requiring the Province Treasurer to give bond, the House sent up a message, in which they said, "The Honorable Board cannot but know that all grants of money and taxes must originate with the House, and never till lately did the Honorable Board presume to make alteration in any such grants or bills." To which the Council replied, "The right of the House to originate all taxes and grants of money has never been disputed by the Board. But that the House have a right of making certain things necessary to qualify a Province Treasurer, and that the Board are held to agree to all or none of such qualifications, without the liberty of making any amendment to the vote or resolve of the House, is a position, which, until now, has never been laid down by any House of Representatives since the Charter; nor can the Board by any means concede to it." And the Council suggested that the House should prepare a bill more fully and explicitly settling the security to be required of the Treasurer. The House prepared such a bill, which was by the Council "concurred, as taken into a new draft," and then concurred by the House.[2]

On February 20, 1756, a vote of the House of Representatives, that there be allowed and paid the sum of £1,000 to Edmund Trowbridge, Jeremiah Gridley, and James Otis, Esquires, a committee previously appointed by the House to defend actions brought against their Speaker and messenger, and the keeper of the prison, by two persons imprisoned by order of the House for a supposed contempt, was, "In Council, Read and concurred, with amendments. In the House of Representatives, Read and unanimously non-concurred, and the House adhere to their own vote. In Council, Read and non-concurred." On February 21 a message was sent to the Council, in which "the House declare it to be their clear opinion that the grant of any

[1] General Court Records, October 1-14, 1730. 2 Hutchinson, 373, & *note*.
[2] General Court Records, June 6-13, 1753.

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money by this Court, to be raised by the people, must not only originate with the House in consequence of their representing the people, but that such grant cannot, in consequence of this their singular right, be any ways subject to the alteration of any other branch of the Government, and that the amendment made yesterday by the Board in the said grant is a violation of the privileges of the House upon a vote made for the support of their privileges, which they are determined thoroughly to defend against all attempts and encroachments." The Council, in an answer sent down the same day, said, "Although the Board has been in the constant practice of lessening grants made by the Honorable House ever since the Charter, yet they do not design to enter into any dispute on this point at this time," "and are willing to come into any expedient that may preserve the rights of each House. The Board would have no exception to a vote effectually securing the payment out of the Public Treasury of every reasonable expense which may attend, or be the consequence of, the actions referred to; but they apprehend that many inconveniences may arise from the granting any determinate large sum for this purpose." On February 23 a new draft of the vote was sent up by the House, and non-concurred by the Council. "Andrew Oliver, Joseph Pynchon, and Thomas Hutchinson, Esquires, were appointed a committee for the Council, to examine the books of the General Assembly for precedents of the Council's lessening grants of money, &c., and make report thereof at the next sitting of the court." On the same day the Council, upon a message from the House desiring them to do so, reconsidered their vote of non-concurrence, but, upon debate, again non-concurred. On February 24 the House sent up another message, insisting upon their own form of vote, and stating that they had acted "entirely from a persuasion that it is no more in the power of the Honorable Board to lessen a sum of money granted by the House than to make the grant or augment the sum; and, although the Honorable Board have said that they have been in the constant practice of lessening grants made by the House ever since the Charter, the House consider this as a sudden assertion, and impossible to be proved." The records do not show any further action of the Council, or that the committee appointed to search for precedents ever made a report. The reason may be, that, on February 26, the House passed a vote (to the effect originally suggested by the Council) that the com-

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mittee for the defence of the actions before mentioned "be from time to time paid, out of the Province Treasury, such sums of money as shall be sufficient to enable them properly to defend these actions;" and this vote was concurred by the Council, and consented to by the Governor.[1]

At the same session, a vote of the House, allowing a certain sum to the Treasurer, had been non-concurred by the Council as not making adequate compensation to him, upon a report of a committee of the Council, which stated, among other things, that "the committee are very sensible that the Board have no right to enlarge any grant made by the House."[2] But in 1759, upon a bill for raising soldiers, amendments proposed by the Council, increasing the number of men to be raised and the bounty to be paid them, were considered by the House; and, although they were not adopted, no objection appears to have been taken to the right of the Council to propose them.[3]

Among the precedents transmitted to us by order of the two Houses are the remonstrance of the House of Representatives in 1759 against the issue, by the Council, of warrants on the Province Treasurer for paying the expenses of the funeral of Lieutenant-Governor Phipps, as "a misapplication of the public moneys, and unwarrantable, and which proceedings the House do remonstrate against as an infraction upon our Constitution;" and the answer of the Council, justifying their action as in accordance with usage, and declining "at this time to enter into any dispute with the Honorable House with respect to the right of the Board to incur such small expenses, wherein they think the honor of the Government concerned."[4] But this, like other controversies between the House of Representatives and the Governor and Council as to the right of the latter, in their executive capacity, to draw money out of the Treasury, appears to us to have no direct bearing on the question of privilege between the House and the Council acting as the two branches of the Legislature.

In 1760, the Treasurer's accounts for a previous year having been examined by a committee of each House respectively, the committee of the House of Representatives made their report to the House, which, by vote, accepted the same, and resolved that the Treasurer be discharged of several sums, and accountable for several other

[1] General Court Records, February 20-26, 1756.
[2] General Court Records, February 3, 6, 1756.
[3] General Court Records, April 17, 1759.
[4] General Court Records, February 8, 1759.

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sums therein mentioned. The Council concurred in the vote, amending it, however, by striking out the preliminary words as to the acceptance of the report of the committee of the House, because, as they said in a message to the House, the Treasurer could be discharged only by act or order of the whole Legislature, and the Council chose "to see with their own eyes, and not with the eyes of the committees of the House."[1]

The House non-concurred in the amendment, and, in a message to the Council, said, "The House are sensible that an act or order of the whole General Court is requisite for the Treasurer's discharge; but the practice lately gone into by the Honorable Board, of a special examination of the Treasurer's accounts, is novel, and not within the rights belonging to them, either as the King's Council or as one branch of the Legislature. The House challenge as their special rights and privileges the sole modelling all laws for imposing taxes upon the people for the defence and support of Government, also have power to inquire into and judge of the uses and occasions for which moneys are demanded or given, and to appropriate the same, and to inquire into the applications, and to censure the misapplications thereof; and by the British Constitution these powers and privileges are hereditary to the representatives of the people. And the House apprehend that the Honorable Board have no right in those cases, to amend the doings of the House, but absolutely to assent to or dissent from them. The Honorable Board cannot but be sensible, that, in all bills for levying money, the House have challenged and preserved their right of the sole modelling the same. There is the same reason they should have the like power of inquiring into the applications of the moneys raised upon the people. The House know no other proper method of their making such an inquiry but by a committee of their own, and consequently no proper method of their passing the treasurer's accounts but by an acceptance of the report of such a committee, and passing a resolve thereon."[2]

The Council, in their reply, cautiously avoided admitting or denying, as not being involved in the question at issue, either the claim of the House to the exclusive right of appropriating moneys, or the assertion of the House that the Council had no right of amendment, saying, "The House seem to have mistaken the intention of the Board.

[1] General Court Records, January 3-16, 1760.
[2] General Court Records, January 16, 17, 1760.

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The exception which the Board take to the vote of the House relates merely to the form of it. In answer to this exception, the House urge their right to originate and frame all laws for imposing taxes, to judge of the uses for which all moneys are granted, and to appropriate all such moneys as they think fit. The Board deny none of these things; but they are all entirely out of the question. The House go on to say that they have a right of inquiring into the application of all public moneys, and that, in all those cases mentioned, the Board have no right to make any amendments upon the votes of the House. That the House have a right to make such inquiry, the Board do not deny; that the Board have no right to amend any votes of the House in any of these cases will be conceded to or denied when there is occasion to determine this point. At present there is none; for the vote of the House, which is the subject of the present dispute, cannot respect such an inquiry as the House claim a right to, any more than it respects the other matters mentioned by the House. The application of the public moneys is made by his Excellency the Governor, with the advice and consent of the Council. The House surely will not send a vote respecting an inquiry into such application to the Board for their concurrence. The examination of the Treasurer's accounts, and an inquiry how far he has discharged himself, is quite a distinct thing from the other inquiry." [1]

The House afterwards passed a vote exactly like the former one, except in omitting the clause objected to by the Council, and inserting a recital that the Treasurer's account had not been accepted, "by reason of some disagreement between the two Houses in point of form, which may be attended with great inconvenience to the Province, if not timely prevented." And in this vote the Council concurred.[2]

In the same year, an order of the Council, accepting the report of a committee, farming out an excise for the county of Dukes County, for the year 1759, to Wilmot Wass, for a certain sum, and taking his bond with sureties to the Province Treasurer, was non-concurred by the House, solely because "the committee have not exhibited an account of charge on this affair, as has been usual in the like cases." [3] And in 1761, an order for the compensa-

[1] General Court Records, January 30, 1760.
[2] General Court Records, June 20, 1760.
[3] House Journal, February 7, 1760.

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tion of the sutlers of certain regiments originated and was passed in the Council, and, being non-concurred by the House, was referred to a joint committee, whose report was made to the Council, and there accepted, and afterward concurred by the House and consented to by the Governor.[1]

In January 1765 a resolve of the House, concerning the form of drawing moneys by the Province Treasurer out of the hands of the agent of the Province in England, was in the Council "concurred, taken in a new draft." The House objected, solely because the draft of the Council was headed "House of Representatives;" and in a message to the Council, said, "The Honorable Board have an undoubted right in all cases (except those of grants and money bills) to bring any vote or bill sent up from the House into a new draft. But then such new draft should be made the act of, and passed upon by, the Honorable Board before it is sent down."[2]

In March 1765, in a message to the House remonstrating against their having, without joining the Council, and after the Council had non-concurred a vote of the same import, published a notice to all officers and soldiers desiring of grants of land for actual settlement, to give in their names to a committee of the House, the Council observed, "That the House have considered their right to originate grants of land as similar to their right of originating grants of money is allowed;" but no exclusive privilege of the House as to either was admitted by the Council or claimed in the messages of the House.[3]

Governor Hutchinson, in his History, writing of the same period, says, "It was a rule in joint committees, when the subject of consideration related to taxes, for the chairman to offer the report in Council, where it was read, and sent down to the House to originate a vote. In all other cases, the Council originated a vote upon the report, and sent the vote to the House, with the report, for concurrence."[4] He also says, "Though both Houses professed to pay great regard to forms of proceeding in Parliament, they were not strictly adhered to. After a vote, or even a bill, had passed both Houses, the Governor would sometimes decline his assent in the form it had passed, and propose amendments or alterations, and they

[1] General Court Records, March 27, April 7, 1761.
[2] General Court Records, January 28, 30, February 7, 1765.
[3] General Court Records, June 17, 1764; March 8, 9, 1765.
[4] 3 Hutchinson, 113, *note*.

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have been agreed to; which is not warranted by the practice of Parliament." [1]

As the controversy between England and the Colonies upon the right of taxation grew more earnest, the House of Representatives of the Province sometimes asserted, and ultimately the Council in practice seemed to recognize, a more extensive privilege in the immediate representatives of the people. For instance, the House of Representatives, in a message to the Governor in 1767, contended that the clause in the Province Charter, which provided that the Governor and Council should have authority to issue money out of the Treasury only according to such Acts as were or should be in force within the Province, "was intended to secure to the House of Representatives the privilege of originating, granting, and disposing of taxes;" [2] and the Council at different times, from 1771 to 1774, by messages to the House of Representatives, suggested to them to take into consideration the services of the agent of the Province in England, and to make him an allowance therefor.[3] But occasional precedents, at a time when the colonists were using every possible argument to maintain their liberties against the Crown and Parliament of England and the Governor appointed by the King, are by no means conclusive evidence of the legitimate privileges of the two branches of the General Court of the Province.

We have been led to state such precedents under the Provincial Government as were known to us, having any connection with the subject, at the greater length, because many of them exist only in manuscript or in very rare pamphlets, and because, if they had proved a consistent, uninterrupted, and uncontested usage for a long course of years, they might have colored the meaning of the language of the Constitution adopted at the Revolution. But, so far as we can judge from the means at our command, the precedents of the time of the Province fall far short of proving that the House of Representatives habitually exercised in Massachusetts the privileges claimed by the House of Commons in England, or that it was a settled doctrine that a bill appropriating money from the Province Treasury, and not, in terms or effect, imposing

[1] 3 Hutchinson, 90, *note*.
[2] General Court Records, February 4, 1767. Massachusetts State Papers, 106.
[3] General Court Records, July 3, 1771; July 14, 1772; March 4, 1773; June 10, 1774.

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any tax upon the people, must originate in the House of Representatives.

We are then brought to a consideration of the question of the meaning of the words "money bills," as understood at the time of the adoption of the Constitution of the Commonwealth, and in which they must be presumed to have been used by the framers of that instrument. Upon this point the evidence appears to us to be satisfactory and conclusive.

The bill of 1660, called on the Journal of the Commons [1] "a bill concerning money," and that of 1678, called in the contemporaneous notes of a member [2] "The Grand Money Bill," as well as the earlier bill of 1640, to which the term "money bill" is applied in Acherley's Britannic Constitution,[3] published in 1727, were ordinary bills of supply granting taxes upon the people. In the conference of 1671, when the Commons first denied the right of the Lords to amend a supply bill, the words "bills of money" were used in the reasons of the Commons, drawn by Sir Heneage Finch (afterwards Lord Chancellor Nottingham), as synonymous with "bill of impositions," which were the words used in the reasons offered by the Lords.[4]

In 1700, the first time, so far as we are aware, when the term "money bill" appears on the parliamentary journals, it is as equivalent to a bill for raising money. The Lords, in protesting against the tacking by the Commons, of a bill for applying certain forfeited estates to the use of the public, to a bill for granting an aid by a land tax, said, "The joining together in a money bill things so totally foreign to the methods of raising money and to the quantity or qualification of the sums to be raised, is wholly destructive of the freedom of debates, dangerous to the privileges of the Lords and to the prerogative of the Crown; for by this means things of the last ill consequence to the nation may be brought into money bills, and yet neither the Lords nor the Crown be able to give their negative to them without hazarding the public peace and security." [5]

Lord Somers, in his letter to the Secretary of State in 1698, already quoted,[6] clearly manifested his opinion that nothing was a "money bill" that did not grant money to

[1] 8 Commons' Journals, 102.
[2] 6 Grey's Debates, 110. 4 Parliamentary History, 1005.
[3] Acherley's Britannic Constitution, 398.
[4] 9 Commons' Journals, 239, 243. 3 Hatsell, 372, 390.
[5] 16 Lords' Journals, 575. 3 Hatsell, 197.
[6] 2 Hardwicke Papers, 434.

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the King. And Lord Chancellor Hardwicke, in a debate in the House of Lords in 1741 on altering a turnpike bill from the Commons, said, "This is not a money bill. In a parliamentary sense they only are such, which grant money to the Crown."[1]

Sir William Blackstone, (of whose Commentaries, first published in 1765, nearly as many copies were said, ten years afterwards, to have been sold in America as in England,[2]) after stating that "it is the ancient indisputable privilege and right of the House of Commons that all grants of subsidies or parliamentary aids do begin in their House, and are first bestowed by them," and observing that "herein they will not suffer the other House to exert any power but that of rejecting, they will not permit the least alteration or amendment to be made by the Lords to the mode of taxing the people by a money bill," adds this definition: "Under which appellation are included all bills by which money is directed to be raised upon the subject, for any purpose, or in any shape whatsoever; either for the exigencies of Government, and collected from the kingdom in general, as the land-tax; or for private benefit, and collected in any particular district, as by turnpikes, parish-rates, and the like."[3]

Although Blackstone differs from Lord Somers and Lord Hardwicke so far as to include a local tax, all three concur in excluding bills by which no tax whatever is raised, from the definition of money bills. And the most eminent constitutional historian of England agrees rather with Somers and Hardwicke than with Blackstone, and says, "I must confess, that when the wise and ancient maxim, that the Commons alone can empower the King to levy the people's money, was applied to a private bill for lighting and cleansing a certain town, or cutting dikes in a fen, to local and limited assessments for local benefit (as to which the Crown has no manner of interest, nor has any thing to do with the collection,) there was more disposition shown to make encroachments than to guard against those of others."[4]

Mr. Hallam, throughout his discussion of "money bills," treats it as their essential characteristic that they grant money from the people to the Crown.[5] And Sir Erskine May, in considering the Paper Duties Repeal Bill of 1860, says, "Nor was this strictly and in technical form a money

[1] 12 Parliamentary History, 144. [2] 2 Burke's Works, 36.
[3] 1 Blackstone's Commentaries, 169, 170.
[4] 3 Hallam, 31, 32. [5] 1 Hallam, 276. 3 Hallam, 27–32.

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bill. It neither granted any tax to the Crown, nor recited that the paper duty was repealed in consideration of other taxes imposed."[1]

The Constitution proposed by the General Court of Massachusetts, and rejected by the people in 1778, contained the following article: "The Senate and House of Representatives shall be two separate and distinct bodies, each to appoint its own officers, and settle its own rules of proceedings; and each shall have an equal right to originate or reject any bill, resolve, or order, or to propose amendments to the same, excepting bills and resolves levying and granting money or other property of the State, which shall originate in the House of Representatives only, and be concurred or non-concurred in whole by the Senate."[2] The address of a convention of delegates held in the County of Essex in the spring of that year, opposing the adoption of that Constitution, (which address is commonly known as the Essex Result, and is understood to have been written by Theophilus Parsons, afterwards Chief Justice of Massachusetts,) describes that article thus: "Each branch hath a negative upon the other, and either branch may originate any bill, or propose any amendment, except a money bill, which should be concurred or non-concurred by the Senate in the whole."[3] This passage has been sometimes cited as showing that that great lawyer considered money bills to include distinct bills appropriating money in the Treasury, as well as bills levying taxes. But the words of the article are not, "bills and resolves levying or granting money or other property," but "levying and granting," which may fairly mean only bills of supply which both levy money upon the people and grant it to the Government; and, notwithstanding the obscurity created by the addition of the words "of the State," the reasonable inference appears to be, that the money and property intended were those of the inhabitants as collectively constituting the State, and that the word "granting" was used, not, as it often is, to denote gifts from the Government to individuals of the public money or lands, but in the same sense as in the English authorities before quoted, and by Mr. Parsons himself in the Convention which ratified the Federal Constitution in 1788, when he said, "The reason why the Lords have not this power"

[1] 1 May's Constitutional History, 448.
[2] Journal of Convention of 1779-80, appendix, 261. Bradford's History of Massachusetts, appendix, 471.
[3] Parsons's Life of Parsons, 48-51, 394.

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("of proposing alterations or amendments in money bills") "is founded on a principle in the English Constitution, that the Commons alone represent the whole property of the nation; and, as a money bill is a grant to the King, none can make the grant but those who represent the property of the nation."[1] But if the article upon this subject in the rejected Constitution of 1778 should be considered of doubtful or different meaning, it can only be because of the words inserted therein, that are not repeated in the Constitution adopted in 1780 and which governs the question before us.

In the Convention of 1787 which framed the Constitution of the United States, after repeated attempts to confer upon the national House of Representatives the exclusive right of originating "bills for raising or appropriating money,"[2] the provision upon the subject was finally adopted in this form, "All bills for raising revenue shall originate in the House of Representatives," with the additional clause, (taken from the Constitution of Massachusetts,) "but the Senate may propose or concur with amendments, as on other bills."[3]

According to many authorities of the greatest weight, the term "bills for raising revenue," as here used, is exactly equivalent to "money bills." In 1788, in the Convention of Massachusetts which ratified the Federal Constitution, Increase Sumner, then a Justice of the Supreme Judicial Court, and afterwards Governor of the Commonwealth, said that one security in the hands of the people under this Constitution was, that "all money bills are to originate with the House of Representatives." And Theophilus Parsons said, "Under this Constitution, an equal representation immediately from the people is introduced, who by their negative, and the exclusive right of originating money bills, have the power to control the Senate, where the sovereignty of the States is represented."[4] Both these eminent citizens had been members of the Convention that framed the Constitution of Massachusetts eight years before. A paper, written either by Mr. Hamilton or by Mr. Madison, in The Federalist, in the same year, speaks of "the equal authority which will subsist between the two Houses on all legislative subjects, except

[1] Debates in Massachusetts Convention of 1788 (ed. 1856) p. 193.
[2] Madison Papers, 1024, 1228, 1305, 1316, appendix xvii.
[3] Madison Papers, 1531, 1609. Constitution of United States, art. 1, sect. 7.
[4] Debates in Massachusetts Convention of 1788, pp. 163, 191.

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the originating of money bills."[1] James Wilson, also a member of the Convention that framed the national Constitution, and one of the first Justices of the Supreme Court of the United States, in his Lectures on Law, delivered at Philadelphia in 1790 and 1791, repeatedly speaks of that Constitution as having directed that "money bills shall originate in the House of Representatives."[2] And Mr. Justice Story, in his Commentaries on the Constitution, speaks of "bills for raising revenue" as "what are technically called 'money bills,'" and of the Constitution of the United States as conferring on the House of Representatives "the exclusive right to originate money bills."[3]

In the face of this accumulation of authorities, English and American, the use of the words "money bills" in some recent treatises,[4] as including appropriation bills, seems to us of little value upon the question of the meaning of these words at the time of the adoption of the Constitution of the Commonwealth. But this is not all.

Questions of the construction of a Constitution which has been long in force are not to be decided by a mere interpretation of the language of the instrument, but are in a great degree historical questions, upon which the practical exposition by those branches of the Government charged with the duties of administration and legislation, especially if nearly contemporaneous with the establishment of the Constitution, and followed and acquiesced in for a long period of years afterwards, is never to be lightly disregarded, and is often conclusive.[5] This rule of construction has been frequently applied by the courts as a test of the constitutionality of acts of the executive [6] or of the legislative department.[7]

For instance, in a case in which it was contended that the judges of the federal courts had not been commissioned according to the Constitution, the Supreme Court of the United States said, "To this objection, which is of recent

[1] Federalist, No. 58. Introduction to Dawson's edition.
[2] 1 Wilson's Works, 445. 2 Wilson's Works, 161.
[3] Story on the Constitution, §§ 871, 873.
[4] Cushing's Law and Practice of Legislative Assemblies, §§ 2304, 2361, 2369. 1 Todd's Parliamentary Government, 525. Cox's Institutions of the English Government, 198.
[5] 1 Kent's Commentaries, 465 *& note*. Story on the Constitution, § 408. Cooley on Constitutional Limitations, 69.
[6] Surgett *v.* Lapice, 8 Howard, 48, 68. Commonwealth *v.* Lockwood, 109 Mass. 323, 339. Commonwealth *v.* Costley, 118 Mass. 1, 36.
[7] Stuart *v.* Laird, 1 Cranch, 299, 309. M'Culloch *v.* Maryland, 4 Wheaton, 316, 401. Portland Bank *v.* Apthorp, 12 Mass. 252, 257. Commonwealth *v.* Parker, 2 Pick. 550, 556. Holmes *v.* Hunt, 122 Mass. 505, 516.

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date, it is sufficient to observe, that practice and acquiescence under it for a period of several years, commencing with the organization of the judicial system, affords an irresistible answer, and has indeed fixed the construction. It is a contemporary interpretation of the most forcible nature. This practical exposition is too strong and obstinate to be shaken or controlled. Of course, the question is at rest, and ought not now to be disturbed."[1] And in a case involving the validity of a tax act passed by the Legislature of the Commonwealth, Chief Justice Parker, delivering the judgment of the Supreme Judicial Court, said, "In questions touching the powers of government under a written Constitution, not affecting the essential rights of the citizen, the practice and usage of successive Legislatures, from the time the Government began, when its powers, as well as the rights of the subject, were well understood, and when there was a general disposition to keep all the departments within their prescribed sphere, down to the present time, may furnish strong grounds for explanation of parts which are obscure, or not perfectly explicit."[2]

The Constitution of the Commonwealth contains the following provisions: "No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the Legislature."[3] "The department of legislation shall be formed by two branches, a Senate and House of Representatives, each of which shall have a negative on the other. The legislative body shall be styled the General Court of Massachusetts."[4] "Full power and authority are hereby given and granted to the said General Court, from time to time," to make laws, to choose or provide for the choosing of civil officers, and set forth their duties and powers, "and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident and estates lying within, the said Commonwealth, and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities whatsoever, brought into, produced, manufactured, or being within the same." "And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has hitherto been practised, in order that such assess-

[1] 1 Cranch, 309. [2] 12 Mass. 257. [3] Declaration of Rights, art. 23.
[4] Chap. 1, sect. 1, art. 1.

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ments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the General Court shall order."[1] "All money bills shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills."[2]

In the opinions required by the two Houses, and delivered by the Justices of the Supreme Judicial Court in 1781, affirming the equal right of the Senate with the House of Representatives in examining and adjusting the lists of valuation returned from the several towns as a rule for their future conduct in making laws imposing public taxes, Chief Justice Cushing said, "I suppose a money bill to be a bill imposing a direct tax upon the people;" and each of his associates, more or less distinctly, concurred in that view. All these judges had been members of the Convention that framed the State Constitution the year before; and peculiar respect is due to the opinion, expressed in such a way as to show that it had not occurred to him there could be a doubt upon the matter, of Chief Justice Cushing, who was a member of the highest court of judicature of the Province and of the State from 1772 to 1789, and who was appointed by President Washington the first Associate Justice, and afterwards Chief Justice, of the Supreme Court of the United States, but declined the latter office. It is also to be noticed that he and his associates did not consider the usage under the English Constitution or the Royal Charter as controlling the construction of the Constitution of the Commonwealth, under which senators as well as representatives are elected directly by the people.[3]

The lists, transmitted to us by order of the two Houses, of bills and resolves originating in the Senate within the first ten years after the establishment of the Constitution, include bills or resolves for levying duties and excises, regulating fees of public officers, abating taxes of particular towns, authorizing the Treasurer of the Commonwealth to borrow money and issue certificates therefor, establishing a mint, making appropriations for public purposes of moneys in the Treasury, and directing the payment of such moneys to delegates in Congress, members of the General Court and of the Council, civil officers, military officers and soldiers, and private individuals, besides a resolve

[1] Chap. 1, sect. 1, art. 4. [2] Chap. 1, sect. 3, art. 7.
[3] Senate Document, 1878, No. 253, pp. 29–38.

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granting a special tax to be levied on the polls and estates of the County of Middlesex for building a new jail, and bills or resolves for levying taxes on towns not incorporated, and which therefore, under the Constitution, were not then represented in the Legislature except in the Senate.[1]

This course of proceeding, at least as far as regards bills or resolves appropriating and directing the payment of money from the Treasury, was not established without early and thorough discussion of the question whether such bills or resolves were money bills within the meaning of the Constitution.

On June 5, 1783, a resolve, "granting £3 18*s.* 6*d.* to Samuel Hinckley in full for conveying letters from the sheriff of Hampshire to the General Court," was passed by the Senate, and sent down for concurrence. The House non-concurred, and referred the account of Mr. Hinckley to a committee, and afterwards originated and sent up a like resolve. On June 13, according to an entry in the Senate Journal, "The question being put, whether it be the opinion of the Senate that a bill or resolve for granting money out of the public Treasury may originate in the Senate — that clause in the Constitution, 'All money bills shall originate in the House of Representatives,' notwithstanding — it passed in the affirmative, seventeen out of twenty." On June 20, both Houses appointed committees of conference upon the subject of the resolve, the chairman of the committee on the part of the House being Theodore Sedgwick, afterwards Speaker of the national House of Representatives, and a Justice of the Supreme Judicial Court of the Commonwealth. On July 4, this committee reported to the Senate as follows: "Considering the multiplicity and importance of the public business now before the General Court, necessary to be immediately attended to, and the near approach of a recess thereof, that, during the remainder of the present session of the General Court, all grants shall originate in the House of Representatives, but that the question of privilege and right shall not be considered as affected by this agreement, but shall be open for future discussion; and that this agreement shall be entered on the journals of both Houses." This report was amended by striking out the words, "the House of Representatives," and inserting "either House," and in this form was sent to the House for concurrence. The House refused to concur, and the Legislature adjourned without further action on the sub-

[1] Chap. 1, sect. 2, art. 2; sect. 3, arts. 2, 3, 4.

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ject. On September 24 the same Legislature met again, and on October 9 the House passed a resolve substantially like the original resolve of the Senate, in which the Senate non-concurred. On October 14, as is stated on the House journal, "The House took into consideration the right of the two branches of the Legislature to originate the grant of moneys, and the following was made a question; viz., 'Whether an order for the payment of any moneys for services, as done agreeably to an establishment by the General Court, can constitutionally originate in the Honorable Senate?' Which was voted in the affirmative, ninety-five members present, sixty-two yeas." On October 17, the House sent up a message to the Senate, requesting them to send down the account of Mr. Hinckley and the resolve of the Senate thereon; and, the same having been brought down, "the House reconsidered their respective votes of non-concurrence, and concurred with the original vote of the Senate, granting to the accountant £3 18*s.* 6*d.*" And on the same day the resolve was approved by Governor Hancock. Samuel Adams was then President of the Senate; and he and twelve other senators, including the three members of the Senate committee of conference, had been members of the Convention that framed the Constitution of 1780; and in the House of Representatives, besides Theodore Sedgwick, were James Sullivan, Tristram Dalton, William Phillips, Rufus King, and Nathan Dane.[1]

The smallness of the sum involved was evidently not thought to impair the weight of the precedent thus established; for the same rule was afterwards constantly followed by the two Houses, without question, upon resolves making large appropriations of money; and on March 11, 1785, the Senate entered on their journal the following declaration:

"Whereas His Honor the Lieutenant-Governor, on the twenty-second day of February last, in his message to the Honorable House of Representatives, laid before the said House a letter from the delegates of this Commonwealth in Congress, whereby information was received that the said delegates had drawn a bill of exchange on the Treasurer for two hundred and sixty Mexican dollars, in consequence whereof a resolve has passed the said House of Representatives to request the Governor, with the advice of the Council, to issue his warrant for the

[1] Senate and House Journals, 1783. President Pitman's Opinion, Senate Document, 1868, No. 275, pp. 8–10.

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payment of the said sum, and directing the Treasurer to discharge the said draft, which resolve has this day been concurred; and whereas it is the undoubted and acknowledged privilege of the Senate, equally with the House of Representatives, to originate grants of money, by reason whereof the said message ought to have been directed to both branches of the Legislature, and as the silence of the Senate on the subject might be construed as a relinquishment of the privilege aforenamed: it is therefore hereby Declared, That the privilege aforesaid is the undoubted right of the Senate, and that the proceedings aforesaid ought not to be, nor shall the same at any future time be, drawn into precedent. Ordered, That the above declaration be entered on the journal."[1]

We have not been furnished with any precedents later than 1790, and it is assumed in the carefully prepared opinions of the presiding officers of each House, which have been transmitted to us, that the right of originating bills appropriating money from the Treasury was habitually exercised by the Senate from 1783 to 1868. During that period two Conventions to revise and amend the Constitution of the Commonwealth were held, the one in 1820, the other in 1853; in neither of which, so far as we are informed, was the subject mentioned in any way, except that on May 17, 1853, an order was adopted to inquire into the expediency of "so altering or amending the Constitution as to provide that all bills and resolves authorizing the expenditure of money or the payment of money from the Treasury of the Commonwealth shall originate in the House of Representatives;" and this order was referred to a committee, which, on May 31, reported that it was inexpedient to act thereon, and this report was accepted by the Convention.[2] The practice of bringing in general appropriation bills, first introduced in this Commonwealth by the Legislature of 1858,[3] did not, as is sufficiently shown by the list of Acts and Resolves of 1863 and 1864, appended to Mr. President Pitman's opinion,[4] interrupt the exercise by the Senate of the right to originate bills or resolves making special appropriations of money for particular purposes.

The conclusion appears to us inevitable, that the construction undoubtingly assumed by the Justices of the

[1] Senate Journal, 1785. Senate Document, 1868, No. 275, pp. 10, 11.
[2] Convention Documents, 1853, No. 21. 1 Debates in Convention of 1853, pp. 160, 425.
[3] Sts. 1858, chaps. 1, 11.
[4] Senate Document, 1868, No. 275, pp. 15, 22.

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Supreme Judicial Court in advising the two Houses of the Legislature in 1781, and deliberately considered and determined by concurrent action of the Senate and House of Representatives two years later, and acquiesced in without further contest for eighty-five years afterwards, must be deemed to have been thereby established as the true construction of the Constitution.

This conclusion is fortified by considering the reason on which the privilege of the House of Commons rests, which is well stated by Blackstone, as follows: "The Lords, being a permanent hereditary body, created at pleasure by the King, are supposed more liable to be influenced by the Crown, and, when once influenced, to continue so, than the Commons, who are a temporary elective body, freely nominated by the people. It would therefore be extremely dangerous to give the Lords any power of framing new taxes for the subject: it is sufficient that they have a power of rejecting, if they think the Commons too lavish or improvident in their grants."[1] Such a reason has no force here.

Even in the Constitution of the United States, under which the senators are not elected by the people, but by the Legislatures of the several States, many leading members of the Federal Convention, such as Washington,[2] Madison,[3] Roger Sherman,[4] Oliver Ellsworth,[5] James Wilson,[6] and Gouverneur Morris,[7] thought it unwise to impose any restriction on the legislative power of the Senate. In this Commonwealth, where the senators, as well as the representatives, have always been chosen directly by the people, (although, under the Constitution as originally adopted, they were apportioned among the counties according to the proportion of the public taxes paid by each, while the representatives were distributed among the several towns according to the number of ratable polls,[8]) the people are amply protected against any danger of oppression, by the security from being compelled to pay any money towards the support of the Government or the discharge of its obligations, otherwise than by an enactment originating in the House of Representatives. And since the amendments of the Constitution, adopted in 1855, by which the members of both Houses alike are elected by districts, according to the number of legal voters in each,[9] there is

[1] 1 Blackstone's Commentaries, 169.
[2] Madison Papers, 1316, *note*.
[3] Madison Papers, 856, 1267, 1271.
[4] p. 857.
[5] p. 1271.
[6] pp. 1041, 1097, 1267, 1271, 1308.
[7] pp. 1043, 1266, 1272.
[8] Chap. 1, sect. 2, art. 1; sect. 3, art. 1.
[9] Amendments 21, 22.

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certainly no reason for enlarging the exclusive privilege of the House of Representatives beyond the limit before established.

The result is, that, having regard to the history of the subject, to the settled meaning of the words "money bills" at the time of the adoption of the Constitution of the Commonwealth, and to the contemporaneous construction of that Constitution by the Justices of the Supreme Judicial Court and by both Houses of the Legislature, affirmed by a continuous and uniform practice of eighty-five years, we are of opinion that the exclusive constitutional privilege of the House of Representatives to originate money bills is limited to bills that transfer money or property from the people to the State, and does not include bills that appropriate money from the Treasury of the Commonwealth to particular uses of the Government, or bestow it upon individuals or corporations; and

Therefore, that the questions proposed by the Honorable Senate and the Honorable House of Representatives respectively must be answered as follows:

First, The Senate can, under the provisions of chapter 1, section 3, article 7, of the Constitution, originate a bill or resolve appropriating money from the Treasury of the Commonwealth.

Second, The Senate can, under those provisions, originate a bill or resolve involving directly or indirectly the expenditure of money from the Treasury, or imposing a burden or charge thereon.

Third, The power to originate a bill appropriating money from the State Treasury is not limited by the Constitution to the House of Representatives, but resides in both branches of the Legislature.

HORACE GRAY.
JAMES D. COLT.
SETH AMES.
MARCUS MORTON.
WILLIAM C. ENDICOTT.
OTIS P. LORD.
AUGUSTUS L. SOULE.

Boston, December 31, 1878.

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